The Solicitors' Journal
and Weekly Reporter.
(*ESTABLISHED IN* 1857.)
LONDON, JULY 15, 1916.
ANNUAL SUBSCRIPTION, WHICH MUST BE PAID IN ADVANCE:
£1 6s.; by Post, £1 8s.; Foreign, £1 10s. 4d.
HALF-YEARLY AND QUARTERLY SUBSCRIPTIONS IN PROPORTION.

*** The Editor cannot undertake to return rejected contributions, and copies should be kept of all articles sent by writers who are not on the regular staff of the JOURNAL.
All letters intended for publication must be authenticated by the name of the writer.

GENERAL HEADINGS.

Cases Reported this Week.

Current Topics.

The Law Society's Meeting.

THE CHIEF practical result of the general meeting of the Law Society on the 7th inst. was the passing of a new bye-law for the purpose of putting the election of country members of the Council on a more convenient basis. The actual way of doing this seems to be somewhat complicated, but the effect, we gather, is to enable country members of the Council to serve for a length of time without being subject to breaks in their appointment—breaks which, in general, mean a final cessation of Council work. Apart from questions of accounts, the only matter of general interest discussed was the reform of King's Bench procedure and the establishment of a Rule Committee for Chamber work. But such a discussion, however useful, does not lead to immediate results. We rather gather that there will be difficulty at the present time in getting the matter effectively dealt with. The deficiency of students naturally leads to some anxiety for the future, but solicitors are not alone in this. The difficulty, we believe, is likely to be still more keenly felt by the medical profession. The present meeting, like that of 1915, is signalized by the President's reference to the 4,000 solicitors and students who have joined the colours, and to the large number of those who have sealed their service with their lives. Our obituary columns this week shew the heavy toll which is now being exacted.

"Anzac" as a Trade Name.

WE PRINT elsewhere a notice that the Australian Government has forbidden the use of the word "Anzac" for business purposes. As to the propriety of the order there can be no question, and a similar course might well be adopted in this country, though we are not aware that there is power in any Government Department to do so. As to trade-marks, there is the provision of section 11 of the Trade-Marks Act, 1905, prohibiting the registration of any matter, "the use of which would, by reason of its being calculated to deceive, or otherwise, be disentitled to protection in a court of justice, or would be contrary to law or morality, or any scandalous design." But this would not extend to a mere matter of good taste. As to the names of companies, there appears to be no statutory rule except that of section 8 (1) of the Companies Act, 1908, which forbids the adoption of a name so nearly resembling that of an existing company as to be calculated to deceive; though in practice the Registrar exercises an administrative discretion. He will not, for instance, accept the word "Royal" as part of the name of a company, except under

special circumstances. But in general there is no check, other than that imposed by similarity of name and the "passing off" doctrine, on the use of words for business purposes. Matters of taste are left to the good sense of the community, and, of course, the use of any words which outrage good taste is likely to be prejudicial to business results. It may be hoped that this will be the case with the word "Anzac," and that the request of the Board of Trade to abstain from its use will be complied with. Failing this, there should be statutory prohibition.

Lawyers and Education.

LORD HALDANE'S attempts to induce the country to take increased interest in education, and particularly in the kind of education which will produce most efficiency in the future, naturally arouse interest, and not least his initiation of a debate on the subject in the House of Lords on Wednesday. But the professions and businesses have all their various uses in the complex carrying on of social life, and we are a little puzzled to understand why our contemporary, the *Morning Post*, makes the debate the subject of an attack on the legal profession—or, to be strictly accurate, appends that attack to another of a political nature with which we are not concerned. In the waste caused by "more or less effete forms of education"—so we are told—"study for the law takes a foremost place. . . . Let us cut down the rich endowments of our Inns of Court and apply them to the useful study of science. Thereby we shall have a diversion of capable young brains from a profession which has become a danger and a plague to another in which the brains and the money will be more usefully employed."

The Use of Lawyers.

WE ALWAYS read the *Morning Post* with interest, and we are accustomed to it expressing itself pungently. On some subjects—such as maritime war—although we have not assented to all its views, we have been accustomed to read it with profit; but in the above remarks it seems to be ill-informed and—may we say—wilfully perverse. As to the utility of lawyers generally we may be supposed not to be altogether impartial. Still our view is that lawyers contribute to the smooth working of the body politic, both in business and social matters, and without lawyers things would soon be in a terrible mess. Ordinarily lawyers are engaged in preventing difficulties from arising; when difficulties arise they attempt to effect amicable settlements; in the last resource they are a necessary part of the machinery of litigation. But, *contra* the *Morning Post*. As to the existence of the "rich endowments" of the Inns of Court we are inclined to be sceptical. Our impression is that they do not carry further than certain modest contributions to the Council of Legal Education. On the other side of the profession we read in the Annual Report of the Council of the Law Society that "the outbreak of the war seriously affected the funds available for the purposes of legal education." Not much margin, it seems, here. Certainly some "capable young brains" must be kept in the law, and it is just as well to have the means of properly directing them. We note, indeed, that the Law Society still think this of supreme importance. It is, no doubt, unfortunate, but, however important science may be, the world would soon stop if all men were chemists, and nothing but chemists. And it is possible, too, for a lawyer to be quite a respectable scientist. We seem to recollect that Lord MOULTON has been associated in some way with electricity, high explosives and other scientific interests. True, we are not all Lord MOULTONS, but the example will serve.

The New Maritime Law Order in Council.

WE ATTEMPTED last week to give an account of the rise and fall of the Declaration of London. We print on another page the Order in Council by which its adoption, with modifications, has been ended, and the Order purports, in addition, to do two things:—(1) It declares that it is the intention of the Allies "to exercise their belligerent rights at sea in strict accordance with the law of nations"; and (2) in order to remove doubts, it states certain rules which are to be observed; presumably on the ground that they are in accordance with the law of nations having regard to "changed conditions of commerce." As to the first point—the exercise of belligerent rights in accordance with the law of nations—the declaration of intention may be useful; but it can hardly be said to have any legal effect. The Prize Court is bound to exercise its functions according to the Law of Nations, and a declaration of an Order in Council in no way affects its duty. This was decided by the Judicial Committee recently in *The Zamora* (*ante*, p. 416). The specific rules which are laid down by the new Order are in effect the special rules which have been prescribed in the previous Orders by way of modifying the Declaration of London. Goods consigned to an enemy authority or an agent of the enemy State, or consigned "to order," are to be deemed to have a hostile destination, and, if contraband, will be condemned. This is taken from the Order of 29th October, 1914. The doctrine of continuous voyage is applicable both to contraband and blockade. This is taken from the Orders of 29th October, 1914, and 30th March, 1916. The rule that a vessel carrying contraband shall be liable to condemnation if the contraband, reckoned by value, weight, volume, or freight, forms more than half the cargo is an adoption of Article 40 of the Declaration of London, which we believe was arrived at as a compromise between opposing views; so that after all the Declaration is not altogether excluded. But, of course, all these rules are subject, as stated above, to the test which the Prize Court must apply. Are they, in fact, a fair statement of international law as already existing, or as it must be held to exist, having referred to changed circumstances; that is, with proper judicial development? Whether in fact we gain by getting rid of the modified Declaration of London can only be decided by pointing to the specific changes in the administration of Prize Law which will follow on the course just taken. No doubt the withdrawal of the Declaration satisfies a considerable body of opinion—some of it opinion of high authority, as the letter of Prof. HOLLAND, which we reprint elsewhere from the *Times*, shews. But as to the practical effect of the withdrawal we are inclined to be sceptical. Technically, as we have shewn, it has no effect, since the Prize Court is not bound by an Order in Council in matters of maritime law; though, of course, it will have regard to specific instructions which are intended to be a guide to International Law on doubtful points; especially when, as in this case, they represent the joint opinion of several States.

The Belgian Relief Work.

WE HAVE received from the National Committee for Relief in Belgium, of which the Lord Mayor of London is Chairman, a copy of a statement which they are issuing, containing the results of a personal investigation of Belgian relief work by Mr. A. J. HEMPHILL, Chairman of the Guaranty Trust Company of New York. Mr. HEMPHILL, who acts as Hon. Treasurer of the Neutral Commission for Relief, crossed the Atlantic to see for himself the conditions in the German occupied part of Belgium, and to investigate the distribution of the relief supplies to which the American people have generously contributed. In order to secure permission to enter Belgium he had to go to Berlin, where he spent the greater part of a week, and found much difference of opinion existing as to the advisability of permitting the continuation of the present system of relieving the Belgians in Belgium. For one thing, it was suggested that it prolongs the Belgian passive resistance, which is still practically universal among the seven million Belgians who are under German rule. However, despite serious opposition, Mr. HEMPHILL is confident that the more humane policy authorized by the German Chancellor will continue to prevail. When Mr. HEMPHILL got to Brussels his first impression was that everything was normal, except for the absence of vehicles, owing to the scarcity of horses and the prohibition of motors, save to a few. But this was only on the surface. The relief stations told a different tale, and destitution is not only widespread, but there are now

dependent upon relief thousands of the upper classes. The external calm is indeed an amazing tribute to the efficiency of the system whereby the Relief organization provides and distributes to the whole nation the supplies, without which there would be chaos and unthinkable suffering.

The Working of the Relief Scheme.

Both in America and England a good deal of uneasiness somewhat naturally exists as to the relief supplies actually reaching the Belgians. Mr. Hemphill discussed this point thoroughly with responsible Belgians throughout the country, and with the Americans who are supervising the distribution, besides keeping his own eyes open for any indications of confiscation by the Germans. As a result, he was convinced that the relief supplies sent into Belgium reach, in their entirety, the Belgian people. Except for trivial local incidents, which are invariably remedied, he heard of no instance whatever of the Germans breaking their guarantees to respect the food which the Allied Governments allow to be brought through the blockade. As to the Belgian people themselves, they unceasingly refuse wages of from 15 to 25 francs a week which they could obtain by working for the Germans. The German assertion, that the whole Belgian nation has organized a passive resistance strike on an unprecedented scale, is, says Mr. Hemphill, undoubtedly correct. As to the children, there are 600,000 in Belgium entirely dependent upon the charity of the outside world. A large percentage of the remaining two million children, up to the age of sixteen, are partially dependent upon relief. The problem of bringing them up, and even of keeping them alive, is becoming more and more grave. But for the present Mr. Hemphill describes the actual working of the relief system as a marvel of efficiency and devotion. Of the various persons he mentions to whom this result is due, most conspicuous, perhaps, is his fellow-countryman, Mr. Herbert Hoover, to whose genius for organization the whole structure owes its continued existence through a thousand heart-breaking difficulties; and the work, both of the Americans and Belgians, could not be carried on without the humane and effective backing of the American and Spanish Ambassadors in London, the American Ambassador in Berlin, and the devoted American and Spanish Ministers, who remain at their posts in Brussels.

Loan of a Workman's Services.

Now that judgments in the common law courts are so largely concerned either with the construction of Emergency Legislation or with the application of international law to commercial contracts, one turns to the reports of Workmen's Compensation cases with relief to breathe for the moment an *ante-bellum* legal atmosphere. An interesting case of this kind is *Oates* v. *Thomas Turner & Co.* (*Times*, 11th inst.), where the Court of Appeal have overruled a county court judge on a point of law. The applicant was a variant of the itinerant grinder of tools so familiar to our childhood, with his wheel and grindstone, and equally familiar to literature as the hero of Canning's anti-Jacobin squib of the "Needy Knife-grinder"—a survival of the mediæval guild-craftsman who, when his service as a journeyman was over, wandered about in the country, staying at some farm and doing the jobs required by his host and his neighbours, before he settled as a master craftsman in a town. In fact, Oates was a jobbing grinder of tools at Sheffield; like other jobbing grinders he owned his own tools, but worked on the premises of a business which constantly required his services; and there by agreement he did work in his own time and on his own terms for other firms besides the occupiers of the premises. While working for one of these firms he met with an accident. Is he entitled to compensation under the Act of 1906 from his principal employers? If so, (1) there must be a "contract of service" between him and the firm, and (2) he must be injured "in the course of his employment." By section 13 of the Act, "where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall . . . be deemed to continue to be the employer of the workman whilst he is so working for that other person." On the strength of this latter provision the county court judge held that Oates was "lent" to the outside firm when he met with his accident, and so brought him within the Act. As a matter of fact, the proper interpretation of the relationship seems to be that Oates is an itinerant independent contractor, not a workman at all. But, at any rate, he was not "lent," and so the appeal succeeded.

Rescission of Separation Deeds.

Rescission of a deed of separation between husband and wife on the ground that it was agreed to by the latter as the result of the former's fraudulent representations is certainly a novelty to our jurisprudence. But in *Hulton* v. *Hulton* (*Times*, 5th inst.) Mr. Justice Lush decided that this is a good ground of action. The material facts are simple. A husband, so the jury found, had induced his wife to assent to a separation deed under which the alimony allowed her was £500 per annum by concealing the fact that he was not merely the heir to a fortune, which she knew, but was already well off. The suggestion was that, had she known his actual income, she would have taken proceedings for a judicial separation in the hope of a larger allowance rather than assent to the deed. Later on divorce proceedings arose between the parties, and, fearing that the Divorce Court would be influenced by the terms of the separation deed to fix her alimony at a low or nominal rate, she brought this action to get that deed set aside. Now section 12 of the Married Woman's Property Act, 1882, prevents either spouse from suing the other in tort except for the protection of his or her property, and therefore a common law action of deceit for damages was held by the judge to be barred. But the rescission of a contract on the ground of fraud is a suit in equity, not an action in tort claiming an equitable remedy for the tort, and therefore is not within the prohibition of the section. Prior to the statute, indeed, either spouse could get a conveyance or contract with the other rescinded on this ground (*Evans* v. *Carrington*, 2 De G. F. & J. 481). This principle the learned judge followed in granting a declaration as prayed by the wife, but without damages, since the damages are tortious. It must be said that it is a little difficult really to reconcile this decision with that of Mr. Justice Rowlatt in *Webster* v. *Webster* (1916, 1 K. B. 714), where the latter judge held that a suit by a husband for an injunction to restrain his wife from improperly pledging his credit is barred by section 12. Surely a principal can claim against his agent an injunction to restrain him from exceeding his authority! The false representation of authority is tortious, but the remedy is in aid of a contractual relationship. We venture to think that the principle in each case is at bottom the same.

Deserted Libraries in the Temple.

The deserted appearance of the excellent library of the Inner Temple must have been noticed by everyone who has visited it during the last few days. The accumulation of books goes on, but readers diminish. It is no long period since the rooms were so crowded that it was not always easy to find a seat. King's counsel, juniors in large practice, and the multitude of young students were well represented, and the question is naturally asked, What is the reason for this depressing change? The answer will probably be that the circuits are going on, and except on the circuits there is little to occupy the Bar who practise in the King's Bench Division. The second question is, of course, When can a change for the better be expected? and the general expectation is that it may be deferred for some considerable time, for even the termination of the war will not be immediately followed by a return of the mercantile activity and prosperity which is usually a condition of abundant litigation. It is also well known that many of the absentees from the library have taken their places in the Western theatre of the war, from which it can only be hoped that they may return in safety.

Emergency Legislation and Prescription.

Some nice questions will arise on applications under section 3 of the new Courts (Emergency Powers) (No. 2) Act, 1916. That section empowers the court in its discretion to exclude from the period required by the law of prescription, in claims to light, a period fixed by the court, in cases where the court finds that a person is unable to build from circumstances attributable to the war, or where it is undesirable in the national interests that he should build, and where in either case there is danger of a right to light being acquired by prescription in consequence of the delay in building. In other words, the Act gives the court power to stop the running of the prescriptive period for a time. The time is limited to a period commencing not earlier than the 25th of May last, and ending not later than six months after the termination of the war. The section deals only with claims to light, and is directed only towards preventing a neighbour acquiring a right to light because of the non-erection of a building blocking his lights, where the non-erection is due to the war.

In order that an application under the section may succeed, it is a condition precedent that it be shewn that there is a danger of an adverse right to light being acquired by prescription by reason of the delay in erecting the applicant's building. The degree of danger is not indicated. Under section 3 of the Prescription Act, 1832, when light has been enjoyed for the full period of twenty years without interruption, the right thereto is to be deemed absolute and indefeasible unless it be shewn that the light has been enjoyed under an agreement in writing. Under section 4 of the same Act the period of twenty years is to be deemed to be the period next before some suit or action wherein the claim or matter to which the period relates is brought into question. Section 4 also defines the meaning of the word "interruption." No act or matter is to be deemed an interruption unless it has been submitted to or acquiesced in for one year after the party interrupted has notice of it.

It is with regard to the first part of section 4 of the Act of 1832 that the main difficulty arises in construing section 3 of the new Act. For example, suppose the would-be applicant is the owner of a site over which his neighbour's windows have derived their light for twenty years. Unless and until some suit or action calling the right to the light into question is commenced no right to light has been acquired. There is no half-way stage in the acquisition of a right to light under the Prescription Act. The mere fact that light has been enjoyed for twenty years free from interruption does not give a title to the light. The servient owner may erect a screen during the twenty-first year of the enjoyment, and a statutory interruption may occur. This might prevent the dominant owner setting up his claim for another twenty years. Again, the dominant owner may not wish to claim a right to light. It is considerations such as these that lead one to question the meaning of section 3 of the recent Act. Is there not "a danger" within the meaning of this new Act of a right to light being acquired after twenty years' enjoyment of light, just in the same way as there is a danger of its being acquired in the nineteenth year of the enjoyment?

In dealing with this question we must consider the meaning of the words used in section 4 of the Act of 1832. The period of twenty years means, according to that section, "the period next before some suit or action wherein the claim or matter to which such period may relate shall have been or shall be brought into question." Is it not possible that the very application itself under the recent Act crystallizes the twenty years period? There are some instructive observations by Willes, J., in the case of *Cooper* v. *Hubbuck* (1862, 12 C. B. N. S. 456), upon the meaning of section 4 of the Act of 1832. According to his lordship, once any suit or action has raised the question of the right, a title to light is acquired —always supposing, of course, the other provisions of the Act are satisfied. He laid it down that there must be at least enough in the proceedings to apprise the parties that the claim is advanced, so that there may be an opportunity of litigating it. Under the new Act, however, the applicant is the person interested in contending against the right. His application is made on the footing that no right has been acquired, but that there is a danger of its being acquired. This consideration deprives the judgment of Willes, J., in the last-mentioned case of much of its cogency on the point in question. As *Cooper* v. *Hubbuck* is the only authority in point, we are left in the dark as to whether or not an application under the new Act is, or is not, a suit or action calling the right in question. If it is not, then any person whose land has been overlooked by windows for twenty years and upwards might successfully apply under the recent statute. If it is, then no such person would be well advised to make an application, for, by his application he would automatically create against himself an infeasible right, which in point of fact might otherwise never have arisen against him.

There is abundant ground for contending for or against either of these views. Thus an applicant whose land had been overlooked for twenty years and more could urge that the new Act is one obviously designed in favour of the servient owner, that he does not seek to set up a right, and that even if the effect of his putting forward his application is to set a limit to the twenty years within the meaning of *Cooper* v. *Hubbuck*, yet it is still a matter of prescription, and the new Act gives the court power to suspend prescription, and so overrides the Prescription Act, 1832. The dominant owner, on the other hand, could urge with every shew of reason that the matter was now past the court, that the recent Act, in referring to the danger of the acquisition of a prescriptive right to the light, obviously meant to stop the running of the twenty years' enjoyment only in cases where light had not been enjoyed for the full period, and not to deprive the dominant owner of his right after the lapse of that period.

Whichever of these two views be the correct one, this much is quite clear—a very complicated question of law must be decided before the court can put into operation the suspending powers given to it by the recent Act in a case where the applicant's land has been overlooked for twenty years and upwards. It also seems clear that applications under the Act —which will obviously only be made after the light has been enjoyed for a considerable number of years—will in practice resolve themselves into miniature actions raising all kinds of questions relating to the nature of the enjoyment and to title. Orders under this section of the new Act will require to be very carefully framed if unforeseen prejudice is to be avoided.

R. G. Nicholson Combe.

Procedure at Military Tribunals.

The moral of *Rex* v. *Wiltshire Tribunal of Appeal, Ex parte J. Thatcher* (*Times*, 11th inst.), in which the Court of Appeal have affirmed the decision of a Divisional Court, appears to be that the powers of interference with Military Service Act tribunals on the part of the High Court are extremely limited. The tribunals set up by the recent Acts are tribunals of some kind, and therefore a fundamental principle of the common law applies to their proceedings. They must conduct their proceedings in a judicial manner, and "in accordance with the principles of natural justice." This rule has been laid down most clearly in an Irish case, *Rex* v. *Local Government Board* (1911, 2 I. R. 331), where the question in dispute was the performance of a judicial duty by the Irish Government Board under the Old Age Pensions Act, 1908. "An appeal under the Act," says Madden, J., at p. 343, "is not to be treated as merely a *lis inter partes*, but as the subject-matter of inquiry of a judicial character, which, as it affects the interests of the applicant, ought to be conducted in accordance with the principles of natural justice." This rule applies equally to an inferior court and to an administrative tribunal exercising judicial functions, but with one great difference which is

clearly enunciated in the case quoted, as well as in the two other leading cases of recent times, namely, *Board of Education* v. *Rice* (1911, A. C. 179) and *Arlidge* v. *Local Government Board* (1915, A. C. 120). Where the tribunal is, in fact, a court, it must observe all the essential rules of procedure found in English courts of law, and departure from any one of these fundamental rules will be an irregularity, on which the aggrieved party can found a claim *ex debitio justitiæ* to have the offending decision quashed. But where the tribunal is an administrative tribunal, merely entrusted with a judicial duty, then the Courts will not impose upon it "an obligation to adopt the regular forms of legal procedure. It is sufficient that the case has been heard in a judicial spirit, and in accordance with the principles of substantial justice" (*per* Lord PARMOOR in *Arlidge* v. *L.G.B.*, *supra*, at p. 140). And where the statute which confers the judicial power itself provides, directly or indirectly, the rules of procedure, then no further obligation to observe judicial principles which do not appear in those rules appear to be imposed (*ibid.*, p. 145).

Now the Military Service Tribunals must either be inferior courts of law, like magisterial or county courts, or else administrative tribunals with judicial functions like the Board of Education and the Local Government Board in the exercise of innumerable statutory powers. If the former, the ordinary rules of legal procedure bind them, as they do justices and county court judges. If the latter, they need only observe a judicial spirit and aim at substantial justice in accordance with the rules laid down for them. In either case the High Court will interfere by the prerogative writs of mandamus, prohibition, and certiorari, to restrain illegal proceedings; but in the latter case the grounds of interference are very limited indeed. Substantially, they are confined to (1) *ultra vires* acts on the part of the tribunal; (2) disobedience to the rules of procedure laid down for it by the Local Government Board under power confirmed by statute; and (3) refusal or omission to determine some point which under the statute it is part of its duty to consider and determine. No doubt, decisions based on complete absence of evidence would be irregularities which would render them liable to be quashed; but the court is not compelled to abide by the legal rules of evidence—this is incidentally decided in *Rex* v. *Wiltshire Tribunal* (*supra*). Now it cannot be said that in any case so far decided the High Court has gone so far as to say that Military Service Tribunals are not courts of law, but merely administrative tribunals entrusted with judicial duties; but all recent decisions under the Military Service Acts seem to imply this, and *Rex* v. *Wiltshire Tribunal* (*supra*) just falls short of so deciding in express terms. A short consideration of the case will shew this.

THATCHER, the appellant, was a farmer and a cattle breeder. Under the regulations which have been made for the purposes of the statute, the former occupation is a "certified occupation"—*i.e.*, one which *primâ facie* entitles the person following it to receive exemption on the ground that "it is expedient in the national interests" that he should be engaged in it; the latter is not. Section 5, rules 5 and 6 of the statutory rules, indicates that in the case of such a claim to be exempted the applicant must prove that (1) he is in fact engaged in the occupation claimed, and (2) that it is either his sole occupation or else that he is indispensable to it; then the military representative can rebut the claim by either disproving both these facts or else shewing that, notwithstanding them, it is not necessary in the national interests that the applicant should remain employed therein. Now, if the tribunals are bound by the procedure of a court of law, it is clear that certain implications would follow. The burden of proving issues (1) and (2) would be on the applicant, but he would satisfy that burden by calling credible *primâ facie* evidence of them. Then the burden of proof would shift on the military representative, who would be under the necessity of bringing some evidence to displace these allegations. If he failed to produce any, the tribunal could not decide against the applicant, because their finding would have no evidence to support it—unless, of course, they disbelieved the applicant's evidence or found in it admissions which rebutted it. They would be bound, further, to hear all relevant witnesses he might call, to hear evidence on oath, and to adjourn the hearing for the presence of any such witness, properly subpœnaed, who failed to appear. We may note in passing—it was one of the points raised—that a military tribunal cannot itself compel a witness to attend, but the Master of the Crown Office can issue a *subpœna* compelling him to do so (*Reg.* v. *Greenaway*, 7 Q. B. 126, *per* Lord DENMAN, at p. 134). Now in the present case both the Divisional Court and the Court of Appeal would appear to have regarded none of these elementary rules of procedure as binding on military tribunals. They did so partly because there is nothing in the Tribunal Regulations which expressly says that a tribunal must observe such rules; in fact, rule 16 (a) of section 2 of the Regulations gives the tribunal a discretion as to the witnesses, other than the party affected, whom it will hear; and partly because they evidently took the view that the point for the High Court to consider is not whether irregularities of procedure took place, but whether there is any substantial ground of "complaint" by the applicant that the tribunal has acted *ultra vires*, or in "breach of its rules," or unjudicially. If this view of the principle hidden in the decision of the Court of Appeal be correct, old-fashioned lawyers will regret once more the growing tendency of our courts to interpret in the less liberal of two possible modes of construction statutes which undoubtedly impose great limitations on the liberty of the subject.

Reviews.

Books of the Week.

Juridical Review. June, 1916. W. Green & Son (Limited).

International Law Notes. July, 1916. Stevens & Sons (Limited); Sweet & Maxwell (Limited). 9d.

Correspondence.

Revival of a Revoked Testamentary Instrument.

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—I am puzzled by the case of *Tharp* v. *Tharp* (1916, 1 Ch. 142, 2 Ch. 205). Perhaps one of your learned readers can solve my doubt.

A testator made a will and four codicils, by which he settled an estate on his wife during widowhood, with remainder to A. T. for life, with remainder to A. T.'s sons successively in tail male, with remainder to H. T. for life, with remainder to H. T.'s sons successively in tail male. The testator made a fifth codicil by which (in effect) he gave A. T., in the event of failure of his male issue, a power to appoint the property to any descendant of the testator's grandfather J. T. Shortly afterwards the testator made a sixth codicil by which he revoked this power of appointment, and directed (in effect) that, after failure of the male issue of A. T., the property should go to G. T. (the eldest son of H. T.) for life with remainder to G. T.'s sons successively in tail male. Four days after the execution of the sixth codicil the testator destroyed it, *animo revocandi*. After the testator's death A. T. by deed appointed the estate to himself in fee on failure of his male issue, and the only question argued before Neville, J., was whether this appointment was good; the learned judge held that it was fraudulent and void. Before the case was decided by the Court of Appeal it was compromised.

The decision of Neville, J., proceeded on the theory that the destruction of the sixth codicil revived the power of appointment given by the fifth codicil. But is this so? Before the Wills Act, 1837, when a will had been wholly or partially revoked by a subsequent will or codicil, it was revived by the cancellation or destruction of the subsequent will or codicil. The Real Property Commissioners recommended that the law in this respect should be altered, and section 22 of the Wills Act accordingly provides that "no will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner [required by the Act] and shewing an intention to revive the same."

The result is that if a testator by his will gives all his property to A., then makes a second will, giving his real estate to B., and subsequently destroys the second will, he dies intestate as to his real estate: *Re Conis Hodgkinson* (1893, P. 339). Does not the same doctrine apply to powers of appointment? If it does, the power of appointment in *Tharp* v. *Tharp* given to A. T. was revoked by the sixth codicil and was not revived by the destruction of that codicil. Moreover, as it is clear that the testator destroyed the sixth codicil for the sole purpose of reviving the fifth codicil, there was no true *animus revocandi*, and the sixth codicil remained unrevoked: *Powell* v. *Powell* (L. R. 1 P. & D. 209). C. S.

CASES OF THE WEEK.

Court of Appeal.

BROOKE *v.* PRICE. No. 1. 6th and 26th June.

REVENUE—INCOME TAX—INCIDENCE—DEDUCTION FROM ANNUAL PAYMENT—PERMANENT MAINTENANCE—CHARGE ON INCOME OF SETTLED PROPERTY—SHARE OF ANNUAL NET INCOME AFTER INCOME TAX PAID—SHARE NOT TO FALL BELOW A FIXED MINIMUM—VALIDITY OF AGREEMENT—INCOME TAX ACT, 1842 (5 & 6 VICT. C. 35), SS. 102, 103.

A wife in receipt of a large income settled upon her by will, and paid to her by the trustees after deduction of income tax thereon, was divorced by her husband, and was ordered by the Court to provide permanent maintenance for him and her infant daughter. A deed was executed by the parties whereby she charged her net annual income with payment of one-quarter thereof to her husband, but if one-quarter should fall below £2,500, then the clear sum of £2,500 (without deduction of income tax). One-quarter of the net income having fallen below £2,500,

Held (*affirming* Neville, J.), *that the income being net income after deduction of tax, the agreement to pay the clear sum of £2,500 was valid, notwithstanding the provisions of the Income Tax Act*, 1842, *and that the wife was not entitled to the repayment of the income tax on the £2,500.*

Blount *v.* Blount (1916, 1 *K. B.* 230) *distinguished.*

Appeal by the plaintiff from a decision of Neville, J. The defendant and the plaintiff were formerly husband and wife, but on 12th December, 1912, a decree *nisi* for dissolution of the marriage was made upon the petition of the defendant. There was one child of the marriage. The plaintiff was entitled under her father's will to receive a large income during her life. After the decree was made the defendant presented a petition for maintenance for himself and his child, and the plaintiff undertook to secure to him one-quarter of the income she was entitled to receive from the trustees of her father's will, and that such quarter should never fall below £2,500. This offer was accepted, and an order made that a deed to secure the maintenance should be settled by conveyancing counsel. By this deed, dated 24th June, 1912, the plaintiff charged all the income to which she was or should become entitled under her father's will as a first charge thereon, with payment of certain annual sums thereinafter mentioned, and directed the trustees to pay such sums. During the joint lives of the plaintiff and defendant, and whilst their daughter (then aged thirteen) should be under twenty-one, the trustees were to pay to the defendant, for the maintenance of himself and his daughter, one-fourth of the annual net income (after income tax on the whole income had been paid), which but for the deed would be payable to the plaintiff, "or if one-fourth part of the said annual net income shall be less than the clear sum of £2,500 then the clear annual sum of £2,500 (without deducting income tax therefrom)." After the decree had been made absolute the plaintiff re-married. The plaintiff's net income having for some time fallen below £10,000 a year, she issued an originating summons to determine whether the provision in the deed whereby the minimum sum of £2,500 a year was to be paid to the defendant without deducting income tax thereon was void under sections 102 and 103 of the Income Tax Act, 1842, and claimed a declaration that so long as her annual net income was less than £10,000 a year the defendant was only entitled to the annual sum of £2,500, less income tax. Neville, J., held that as the annual sum of £2,500 was to be paid out of the total net income after deduction of income tax on the whole, the defendant was entitled in any event to a clear £2,500, and that the above sections of the Act had no application. The plaintiff appealed. *Cur. adv. vult.*

The judgment of THE COURT (LORD COZENS-HARDY, M.R., PICKFORD and WARRINGTON, L.JJ.) was delivered by

WARRINGTON, L.J., who, after stating the facts and reading the first three clauses of the deed, proceeded: As between the parties before the Court it was common ground that the Crown had received all the tax it was entitled to. On the construction of the deed it was clear that the income charged was the income which but for the deed would be payable to the settlor, viz., the net income after deduction of the tax. It followed that, whether the defendant was for the time being entitled to a sum equal to one-fourth of the net income, or to a fixed sum of £2,500 payable thereout, he was entitled to a portion of a fund which represented income after deducting the tax. At the present time one-fourth of that fund being less than £2,500, the defendant was entitled to £2,500 a year out of the fund. Was that sum to be reduced by the payment of income tax thereon? Clearly not under the deed, as the sum was part of income from which the tax had already been deducted. Then was the position affected by sections 102 and 103 of the Income Tax Act, 1842? Section 102 was the charging section, and the material portion of section 103 provided that, if any person should refuse to allow a deduction authorized to be made by the Act out of any annuity or annual sum mentioned in the preceding clause, he should forfeit the sum of £50, and all contracts, covenants, and agreements made or entered into for payment of any such annual sum without allowing such deduction should be utterly void. It was only to annual payments charged by section 102 that the provisions against deduction applied: *London County Council* v. *Attorney-General* (1901, A. C., at p. 38). When the entire section was looked at, they thought it was clear that the property there referred to was property subject to tax called in the proviso "profits or gains brought into charge by virtue of this Act," that was to say, taxable income. Their lordships thought that the annual sum in the present case, not being paid out of taxable income, was not within the charge, and neither the proviso allowing deduction nor section 103 applied to it. This view was supported, not only by the case already referred to, but by the judgment of Sir H. Jenner Fust in *Frankfort* v. *Frankfort* (4 Notes of Cases 280), where the learned Judge held that, where a wife was allowed a fixed annual sum out of her husband's net income, calculated after deduction of income tax, the husband could not deduct tax from the payment made to his wife, as he had already had the benefit of the deduction. The cases cited by the appellant—*Warren* v. *Warren* (43 W. R. 491), *Floyer* v. *Bankes* (11 W. R. 630). *Re Barry's Trusts* (1906, 1 Ch. 768). and *Blount* v. *Blount* (1916, 1 K. B. 230)—were all cases either of annuities charged upon gross income before deduction of tax or secured by personal covenant or obligation, and therefore clearly within section 102. On the whole, the Court was of opinion that the annual sum in the present case was not within the section, that the order of Neville, J., was right, and the appeal ought to be dismissed with costs. —COUNSEL, *Disturnal*, K.C., and *A. M. Latter*; *Hon. Frank Russell*, K.C., and *Bremner*. SOLICITORS, *Nicholson, Patterson, & Freeland*; *Capron & Co.*

[Reported by H. LANGFORD LEWIS, Barrister-at-Law.]

CASES OF LAST SITTINGS.

House of Lords.

ATTORNEY-GENERAL *v.* DERBYSHIRE COUNTY COUNCIL.
18th and 19th May; 2nd June.

LOCAL GOVERNMENT—ISOLATION HOSPITAL—CONSTITUTION OF HOSPITAL COMMITTEE—REPRESENTATION OF DISTRICT AUTHORITIES—POWER OF COUNTY COUNCIL TO ALTER REPRESENTATION—"REGULATIONS"—ISOLATION HOSPITALS ACT, 1893 (56 & 57 VICT. C. 68), SS. 9, 10, 18, 20—INTERPRETATION ACT, 1889 (52 & 53 VICT. C. 63), S. 32 (3).

The defendant county council in 1897 *made an order creating a united district for the purpose of establishing a hospital under the Isolation Hospitals Acts*, 1893 *and* 1901, *and determining the representation on the committee of the council and the local authorities* (*including the relator plaintiff council*) *within the district. The committee, thus constituted, discharged their duties until* 1914, *when differences arose between them and the defendants on questions of policy, and the defendants, claiming to act under the powers conferred by section* 32, *sub-section* 3, *of the Interpretation Act*, 1889, *made a further order directing that, in lieu of the scheme of representation adopted in the order of* 1897 (*under which the relator plaintiffs had one representative and the defendants two*), *there should in future be a fresh scheme, under which the defendants' representatives should be increased to nine, which would give them such an absolute majority on the committee that they could entirely control its policy. The Court of Appeal, reversing Sargant, J., held that, as a county council had power at any time, provided it directly contributed to the funds to be administered, to dissolve the existing committee, and create a new one in its place, and to vary and reduce thereon the representation of the local authorities concerned and increase that of the county council, the order which the relator plaintiffs sought to have set aside was not* ultra vires. *The relator plaintiffs appealed.*

The House, after taking time for consideration, dismissed the appeal.

Decision of Court of Appeal (Lord Cozens-Hardy, M.R., *dissenting*) (*reported* 60 SOLICITORS' JOURNAL, 74; 1916, 1 *Ch.* 177) *affirmed.*

Appeal by the Attorney-General (at the relation of the Baslow and Bubnell Urban District Council) from a judgment of the Court of Appeal (Bankes and Warrington, L.JJ., Lord Cozens-Hardy, M.R., dissenting) in an action brought by the appellants against the respondents to test the validity of an order made by the latter in January, 1914, under circumstances which appear from the head-note.

THE HOUSE took time for consideration.

Lord SUMNER, in moving the appeal should be dismissed, stated that both he himself and Lord Haldane concurred in the judgments to be delivered.

Lord PARMOOR, after stating the facts, said the intention of the Isolation Hospitals Act, 1893, appeared to be to place on county councils the whole duty of the provision of isolation hospitals and a consider-

able share of responsibility for their subsequent control and efficiency. After an order had been made by a county council for the establishment of a hospital, such order might be altered on the application of a hospital committee and with the assent of any local authority concerned in such alteration. It was argued on behalf of the appellant that this power of alteration, conferred on the county council under section 20 of the Act, was inconsistent with the claims of the respondents to issue fresh regulations altering the constitution of a hospital committee. In his opinion that contention was untenable. Section 20 was limited to an order made under section 9, and had no reference whatever to regulations made under section 10. It was not until after a hospital district had been constituted that under section 10 "a committee shall be formed by the county council." The constitution of this committee was wholly within the discretion of the county council, subject to the qualifications that, where no contribution was made by the county council to the funds of the hospital, such committee should consist, unless the constituent local authority otherwise desired, wholly of representatives of the local area or local areas of the district, and to a right of appeal in all cases to the Local Government Board. In the present instance a contribution had been made, and the first qualification did not apply. The county council had power, therefore, to form the hospital committee wholly of members of the county council, or to make the representatives of the county in a majority on the committee. The order of the Court of Appeal was in his opinion right.

Lord WRENBURY read a judgment to the same effect.—COUNSEL, for the appellant, *Inskip*, K.C., and *Hon. S. O. Henn Collins;* for the respondents, *Sir Robert Finlay*, K.C., *Tomlin*, K.C., and *E. J. Naldrett*. SOLICITORS, *Guscotte, Wadham, Tickell, & Co.*, for *Goodwin & Cockerton*, Bakewell; *Kingsford, Dorman, & Co.*, for *N. J. Hughes-Hallett*, Derby.

[Reported by ERSKINE REID, Barrister-at-Law.]

High Court—Chancery Division.

Re HELLIWELL. PICKLES v. HELLIWELL. Sargant, J. 24th and 25th May; 9th June.

WILL—CONSTRUCTION—GIFTS TO NEPHEWS AND NIECES—INCLUSION OF CHILDREN OF NATURAL SISTERS.

Where a testator specifically declared J. R. F. a natural son of a natural sister, and also W. H. H. a natural son of a legitimate brother, to be entitled to share equally with his other nephews and nieces, and used the word "sister" as including a reputed sister and the word "nephew" as including the son of a natural sister,

Held, that the testator, by treating or naming definite individuals as relations who were not strictly such, and by merely indicating that he was using a word of relationship in a looser sense than its strict one, had included in a general gift to relatives of that class, not merely specifically named individuals, but also other persons who were in a corresponding position.

Hill *v.* Crook (*L. R.* 6 *H. L.* 265) *applied rather than* Dorin *v.* Dorin (*L. R.* 7 *H. L.* 568).

This was a summons to determine who were included in the words nephews and nieces as used by the testator in his will. The testator directed that after the death of his wife a legacy was to be paid to his sister, Betty Rushworth, who was the only collateral of his own generation whom he mentioned in his will, and the trustees were to stand possessed of the residue "upon trust for all or any of my nieces and nephews living at the death of the survivor of myself and my said wife and the children or child then living of any then deceased nephew or niece of mine who, being male, attain the age of twenty-one years, or, being female, attain that age or marry, in equal shares as tenants in common" *per stirpes*. And the testator continued: "And I declare that J. R. Feather, the son of my sister M. Wright, and W. H. Hay, the son of my brother John Helliwell, shall be entitled to a share equally with my other nephews and nieces." The widow died in 1915. The testator's father and mother had four lawful children—Joseph Helliwell, John Helliwell, the testator George Helliwell, and Betty Helliwell, but the testator's mother had two children before her marriage—Betty Feather and Sarah Feather. Joseph Helliwell and Betty Helliwell had legitimate issue only. John Helliwell had legitimate issue and also a natural son, the W. H. Hay mentioned in the will. Mary Feather had one natural son, J. R. Feather, named in the will. Sarah Feather had three legitimate children. The testator's legitimate and illegitimate brothers and sisters were all brought up together, and Sarah Feather's children were all treated by the testator as his nephews, and J. R. Feather was very kindly treated by the testator. At the date of the will all the brothers and sisters were dead except Betty. The question was whether Sarah's sons and grandsons were entitled to participate, and numerous cases were referred to on both sides following *Hill* v. *Crook* (*supra*) or *Dorin* v. *Dorin* (*supra*).

SARGANT, J., in a considered judgment, after stating the facts, said: The answer to the question raised depends upon whether there is a sufficient context in the will to include the legitimate descendants of one of the illegitimate sisters in the class of persons who are to take the residue under the description of nephews and children of deceased nephews; and the question now is whether there are included in the class to take not only the two persons expressly included—namely, W. H. Hay and J. R. Feather—but also the legitimate descendants of the testator's natural sister Sarah. In the case of these two married persons the testator intended to cover the disqualification attaching to their individual illegitimacies. He deliberately ignores the illegitimacies of his sisters Mary and Sarah, and speaks of Mary as his sister in as full a sense as he speaks of John as his brother. Further, by directing that J. R. Feather and W. H. Hay should take with his other nephews and nieces, he implicitly recognizes them as included as members of the class of nephews and nieces. Accordingly he is obviously using both the word "sister" in relation to the parent of the nephews and the word "nephew" itself in a sense going beyond the strict meaning of the word, and as including in the case of the word "sister" a reputed sister, and in the case of the word nephew a son of a natural sister. The case seems to be within *Hill* v. *Crook* (*supra*) rather than within *Dorin* v. *Dorin* (*supra*); and the cases of *Re Jodrell* (44 Ch. D. 590; 1891, A. C. 304) and *Re Corsellis* (1906, 2 Ch. 316) both support the decision to which I have come, as tending to shew that by treating or naming definite individuals as relations who are not strictly such, and by merely indicating that he is using a word of relationship in a looser sense than its strict one, a testator may include in a general gift to relations of that class not merely the specially named individuals, but also other persons who are in a corresponding position.—COUNSEL, *Manning; Harry Greenwood; Heckscher; Alfred Adams*. SOLICITORS, *Turner & Co.; Young & Co.*, for *F. W. Butterfield*, Keighley; *Walker & Rowe*, for *Frederick Walker & Son*, Halifax; *T. H. Goodwin*, for *Wright & Atkinson*, Keighley.

[Reported by L. M. MAY, Barrister-at-Law.]

King's Bench Division.

LENDON v. KEEN AND ANOTHER. Div. Court. 11th and 18th April.

ARBITRATION—APPLICATION TO SET ASIDE AWARD—VALIDITY OF RULE MAKING ARBITRATOR A PARTY—JURISDICTION OF COUNTY COURT JUDGE TO ORDER ARBITRATOR TO PAY COSTS—AGRICULTURAL HOLDINGS ACT, 1908 (8 ED. 7, C. 28), S. 4, SCHEDULE II., RR. 10, 13—COUNTY COURT (AGRICULTURAL HOLDING) RULES, 1909, ORD. XL., R. 4 (1) (14).

Rule 4 (1) *of order* 40 *of the County Court* (*Agricultural Holdings*) *Rules*, 1909, *which provides that the arbitrator shall be made a party to an application to set aside an award, being a rule of practice and procedure only, is not* ultra vires. *A county court judge, however, has no jurisdiction to order the arbitrator to pay the costs where the arbitrator has not taken an active part in the proceedings, and where there is no question of his having been guilty of collusion or dishonesty.*

Appeal from the Exeter County Court. A Miss Lendon had let a farm to Mr. Keen, and at the conclusion of the tenancy disputes arose between them, and a Mr. Hussey was appointed, under the second schedule of the Agricultural Holdings Act, 1908, to act as arbitrator. He duly heard the parties and made his award. The landlord was dissatisfied, alleging that, although she had applied to the arbitrator under paragraph 10 of the second schedule to specify the amount awarded in respect of unreasonable disturbance of the tenant, the arbitrator had improperly refused or neglected to do so. She accordingly took proceedings, under paragraph 13 of the schedule, to get the award set aside, upon the ground that the arbitrator had misconducted himself. At the hearing in the county court the landlord and tenant both appeared, as also did the arbitrator, who had been subpœnaed by both sides. The learned judge found that the landlord had in fact applied to the arbitrator to separate the figures, and that the arbitrator had not done so; he therefore referred the award back to the arbitrator, and ordered him to pay the landlord's costs. From this part of the order the arbitrator appealed. No suggestion was made imputing anything in the nature of dishonesty or bad faith to the arbitrator; the most that was suggested against him was that he had been guilty of technical misconduct. Rule 4 of order 40 of the County Court (Agricultural Holdings) Rules, 1909, provides: (1) "When an application is made to the court under the said Act . . . for an order setting aside an award on the ground of misconduct of the arbitrator . . . the party making the application shall be called 'the applicant,' and all other parties to the arbitration, and the arbitrator, shall be made parties to the application, and shall be called 'the respondents.'" (14) "The procedure on an application shall be the same as the procedure in an action commenced in the court . . . in the ordinary way . . . and the applicant and respondents shall be deemed to be plaintiff and defendants respectively." Section 44 of the Agricultural Holdings Act, 1908, provides that the costs shall be in the discretion of the court. It was contended for the arbitrator that the rules under which the arbitrator was made a party and ordered to pay the costs were *ultra vires*, and that in any event the county court judge had no power to award costs against the arbitrator, who had not been guilty of any moral turpitude or dishonesty. For the landlord and tenant it was contended that the rules only dealt with matters of practice and procedure, and were not *ultra vires*, and that the county court judge had an absolute discretion as to the costs. *Cur. adv. vult.*

April 18.—SANKEY, J., read the judgment of the Court. The rules in question appeared to have been made under section 164 of the County Courts Act, 1888, whereby a Rule Committee of county court judges, appointed by the Lord Chancellor, might, as therein provided, make rules and orders extending to all matters of procedure or practice, or

relating to or concerning the effect or operation in law of any procedure or practice. It was alleged that a rule under which an arbitrator was added as a party to litigation could not be said to be a rule of practice and procedure. The best statement of the law was that by Lush, L.J., in *Poyser* v. *Minors* (1881, 7 Q. B. D. 329, at p. 333): "'Practice' in its larger sense—the sense in which it was obviously used in that Act—like 'procedure,' which is used in the Judicature Acts, denotes the mode of proceeding by which a legal right is enforced, as distinguished from the law which gives or defines the right, and which, by means of the proceeding, the Court is to administer, the machinery as distinguished from its product." It was said that those words shewed that new rights and liabilities could not be created under a power confined to practice and procedure, and that adding an arbitrator as a party was to give a new right to the applicant and to impose a new liability on the arbitrator. That did not appear to them to be correct. The object of the Agricultural Holdings Act was to give the county court jurisdiction, not only over the landlord and tenant, but over the arbitrator as well. Power was given by the schedule to that Act to remove an arbitrator, and to set aside an award where the arbitrator had misconducted himself. In *Re Whiteley and Roberts' Arbitration* (1891, 1 Ch. 558) an arbitrator had, in the High Court, been made party to proceedings to set aside an award; and see *Taylor* v. *Denny, Mott, & Dickson (Limited)* (1912, A. C. 666). Having regard to those powers it was not possible to say that the Rule Committee had no jurisdiction to make such rules as rule 4, sub-rules 1 and 14, of ord. 40, or that such a rule was anything other than practice and procedure in respect of which the committee had jurisdiction to make rules under section 164 above referred to. In Lord Haldane's words in *Taylor's case (sup.)*: "The Act was intended to create a statutory jurisdiction of its own of the most elastic kind. It was meant to enable the Court to get before it anybody whom it might be proper to bring before it." In the opinion of the Court, therefore, the rule was not *ultra vires*. There did not seem to be any objection to a rule which made it necessary to add the arbitrator as a party to a proceeding to set aside an award for misconduct or to remove the arbitrator, or to a provision which made the arbitrator in such a proceeding a defendant in an action. It did not follow, however, that such a rule could create new rights and liabilities in respect of such arbitrator other than such as followed from mere procedure, and that distinction must be observed in dealing with the next question which had to be considered—namely, whether the county court judge could or ought in his discretion to have awarded costs against the arbitrator. It was necessary to bear in mind that an arbitrator was in law in a quasi-judicial position, and as long as he was not guilty of any collusive conduct with one of the parties no action could be brought against him for mere incompetence to apply either the facts or the law applicable to the case before him. Starting with this principle, and bearing in mind the county court rules above referred to, the Court were of opinion that the jurisdiction with regard to awarding costs against an arbitrator ought to be exercised as follows: If the arbitrator, on being served with notice of motion to set aside his award, appeared and took part in the litigation, he made himself one of the active parties of the case, and costs could be given against him. Again, if he had been guilty of such collusion as would entitle one of the parties to bring an action against him, and his award was set aside on the ground of misconduct of that sort, costs could and ought to be given against him, whether he appeared in the county court or not. A rule, however, which purported to make an arbitrator liable for costs where he had acted honestly, but had made a mistake, would be imposing a new liability, and going beyond practice and procedure. In the present case the arbitrator did not take any active part in the litigation or endeavour to uphold his award, and there was no question of want of *bona fides* or of dishonesty on his part. The Court were therefore of opinion that the county court judge could not and ought not to have awarded costs against him, and the appeal ought to be allowed. Appeal allowed.—COUNSEL, for the arbitrator, *J. A. Hawke*, K.C., and *Rayner Goddard*; for the landlord, *R. E. Dummett*; for the tenant, *J. L. Pratt*. SOLICITORS, for arbitrator, *Torr & Co.*, for *Roberts & Andrew*, Exeter; for landlord, *Mann & Crimp*, for *Hutchings & Kennaway*, Teignmouth; for tenant, *Arnold, Carter, & Co.*, for *Dunn & Baker*, Exeter.

[Reported by L. H. BARNES, Barrister-at-Law.]

Probate, Divorce, and Admiralty Division.

GREENE *v.* **GREENE.** Shearman, J. 9th, 15th, and 16th May.

DIVORCE—RESTITUTION OF CONJUGAL RIGHTS—DISCRETION OF THE COURT—GROUNDS FOR REFUSING RELIEF IN THE ABSENCE OF ANY MATRIMONIAL OFFENCE—PETITIONER'S ALLEGED HABITUAL INTEMPERANCE.

In the absence of proof of any matrimonial offence on the part of the petitioner, the Court, in the exercise of its discretion to grant or to refuse a decree of restitution of conjugal rights, will not refuse relief unless the conduct of the petitioner has rendered it impossible for the parties to live together, and has entitled the respondent to desert the petitioner.

Habitual intemperance on the part of the wife, with its usual concomitants—untrue accusations and hysterical outbursts of violence—does not constitute reasonable cause for the husband's leaving her, and is no answer to the wife's petition for restitution of conjugal rights.

A husband, in answer to his wife's suit for restitution of conjugal rights, alleged that he had left her because of her habitual intemperance. She had been addicted to drink since the year 1910, and while under the influence of drink had repeatedly threatened and once attempted suicide, and had accused him of attempted murder.

Held, that these allegations, if true, were no answer to the wife's petition.

Beer *v.* Beer (54 *W. R.* 564) *distinguished.*

This was a wife's suit for restitution of conjugal rights. By her petition, dated 2nd June, 1915, the petitioner, Minnie Greene, prayed for a decree of restitution of conjugal rights against the respondent, John Arthur Greene. The respondent, by his answer admitted that he had refused and was still refusing to live and cohabit with the petitioner, but alleged that he had sufficient and lawful grounds for such refusal as therein set forth. Paragraphs 4 and 5 of the answer were as follows:—4. That the petitioner has for the greater part of the married life, and more particularly in and since the year 1909, been addicted to alcoholic excess, insulted guests, dismissed servants without just and reasonable cause, on one occasion was brought home intoxicated by the wife of a tradesman in the neighbourhood, repeatedly threatened to commit suicide and told the respondent that he would be accused of murdering her; said that he had taken a haunted house and wanted to get her there to murder her; was insanely jealous of any animal or human being that the respondent paid the slightest attention to, and, by her conduct towards the respondent, imposed such prolonged strain, mental and physical, upon him that his health suffered and married life was rendered impossible. 5. That the petitioner has carried on a clandestine correspondence with more than one man, and that more particularly she was in clandestine correspondence with a foreigner before and after the date of the present petition, and more particularly in the months of May and June, 1915, and was frequently meeting the said foreigner. The petitioner, by her reply, denied the several allegations in the answer, and pleaded that the answer did not disclose any defence in law to the prayer of her petition. The burden of proof being on the respondent, the case for the respondent was first opened. The respondent, giving evidence in support of the charges in his answer, said that he was married to the petitioner on 27th April, 1904. They lived together happily until 1909, when they were living at Stroud. There, on 24th February, 1910, the petitioner was brought home drunk by the wife of a tradesman, and insulted some guests whom he had invited to a political meeting. That evening she said she had taken poison, and lay on the bed and moaned, but when a doctor was sent for, she told him that she had not taken any drug. She had repeatedly threatened suicide. Once, in February, 1910, when affected by drink, she took a razor out of her stocking and said that she would shew him the colour of her blood. She cut her thumb, and he got the razor away from her. She said that if she killed herself, he (the respondent) would be arrested for her murder. She also said that the house in which they lived at Stroud was haunted, and that he had taken it in order to murder her there. In March, 1910, they moved to Kew, and there his health failed. He attributed the nervous breakdown from which he suffered to the petitioner's behaviour. She was drinking heavily in October, 1910, and he had to refuse to take her with him to the ceremony at which some stained-glass windows erected in his father's memory were consecrated. She was very drunk one night at Kew, and got hold of a carving knife; he had to call in the police. On 6th March, 1911, she got up from the dinner table and went upstairs. She came down with her throat cut, and blood running down her dress; she told the doctors, who were called in, that he (the respondent) had done this, and that he had been drinking. In July, 1911, she had been drinking, and broke open the door of the smokeroom, which he locked, with a chopper. In September, 1912, he found a tradesman's bill for wines and spirits, which for the period from 13th July to 26th August amounted to £18 11s. 3d. He had left the petitioner on 6th October, 1912. Letters written by the petitioner to her brother-in-law and to a Belgian refugee were read. At the conclusion of the respondent's examination-in-chief the learned Judge intimated that the only part of the case to which he attached importance was the suggestion that the petitioner was addicted to habitual intemperance, and was guilty of intolerable conduct from that cause. The cross-examination of the respondent, accordingly, was directed to that issue. In the course of it he said that he had not referred to the petitioner's alleged drinking habits in any of his letters to her before May, 1915. The home was well kept by the petitioner; he had forgiven her for her accusation on 6th March, 1911. The petitioner had complained of his relations with a lady, but there was no ground for the complaints. Servants, called on behalf of the respondent, gave evidence that from the year 1910 they had been sent by the petitioner to buy champagne and spirits. From that time she drank steadily. She would sometimes consume a bottle of brandy in a day, and was frequently drunk. They corroborated some of the incidents deposed to by the respondent. At the conclusion of the respondent's case, counsel for the petitioner submitted that there was no case for the petitioner to answer. No matrimonial offence had been proved, and in the circumstances the only question was, as laid down in *Russell* v. *Russell* (44 W. R. 213; 1895, P. 315) and *Oldroyd* v. *Oldroyd* (1896, P. 175), was it practically impossible for the husband to live with the wife? Even if the evidence for the respondent were accepted, the petitioner's behaviour was not sufficient to justify his

deserting her. The only case in which the wife's intemperance had been held to constitute reasonable excuse for the husband in leaving her was the case of *Beer* v. *Beer* (54 W. R. 564). In that case, the wife was an habitual drunkard, who was liable to restraint and admitted it. The facts in the present case, even if the respondent's evidence were accepted, fell far short of the facts which were proved in that case. Counsel for the respondent submitted that the wife's conduct amounted to legal cruelty. [SHEARMAN, J.: Was the husband in fear of his life through the conduct of the wife? It seems that there were "comic opera" attempts at suicide, but the difficulty is that after most of them, and most of the incidents which are relied upon as making the husband's position unbearable, I find most affectionate letters written by the husband to the wife.] If the wife's conduct, coupled with its effect upon the husband's health, did not constitute cruelty, her alcoholic bouts and threats of suicide made it impossible for the husband to live with her. He referred to *Mackenzie* v. *Mackenzie* (1895, A. C. 384). [SHEARMAN, J.: In that case the matrimonial offence of *sævitia* was established. Has the husband here established that it was practically impossible for him and his wife to live together? Assume that he succeeds, then the wife is cast out into the street. Is that the policy of the law? If a wife takes to drink, must the Court find that the husband can say: "You have no remedy against me, out you go?" The Court has a discretion to grant or to withhold a decree of restitution of conjugal rights, but the discretion must be exercised on principle, and not on the question whether there is hardship in the particular case. The issue here is whether the wife's conduct entitled the husband to desert her.] Counsel for the respondent, continuing, submitted that there was a strong *primâ facie* case to answer. There was no real difference between the present case and the case of *Beer* v. *Beer* (*supra*). [SHEARMAN, J.: I think this case is immensely different from *Beer* v. *Beer*. In that case the wife was on the verge of being locked up as an habitual drunkard. The house was uninhabitable. There is no suggestion of that sort in the present case.]

SHEARMAN, J., delivering judgment, said: In this case the wife sues for restitution of conjugal rights. The husband admits that he has separated from her, but alleges that he had reasonable cause for so doing. The burden of proving that rested on him, and he called a body of evidence in support of his case; and a great deal of correspondence was put in which, as shewing what the parties felt and said before the suit began, I consider is not less valuable than the oral evidence. When the husband's case was concluded and all his witnesses were called, it was objected that all his evidence, if accepted and uncontradicted, was not sufficient to entitle him to resist the relief claimed by the petitioner. Before 1884 there was no answer to a petition for restitution of conjugal rights unless the petitioner had committed some matrimonial offence. Then the case of *Russell* v. *Russell* (*supra*) laid down that the Court had a discretion, and could refuse relief if the wife had behaved in such a way that the husband had reasonable cause for leaving her. The test laid down in *Oldroyd* v. *Oldroyd* (*supra*) is whether it was impossible for them to live together. There is only one reported case in any way resembling the present case, that of *Beer* v. *Beer*, which, as I have already said, is distinguishable from the present case. In this case the wife has written letters which no modest sensible woman would have written, but it is not suggested that there was any guilty intimacy between her and the recipients, and I cannot hold that these letters entitle the husband to desert the wife. She was furiously jealous of the husband, with the not unnatural result that he separated himself rather more from her than before; she was more lonely, and then comes the allegation, if the husband's evidence is accepted, that she gradually gave way to drink. There were the usual concomitants, untrue accusations and hysterical outbursts. I cannot lay down the proposition that if a spouse gives way to intemperance, with its usual consequences, the husband is entitled to desert her. There are no reasonable grounds here for the husband to desert the wife, and the prayer of the petition must be granted.

Formal evidence having been given by the petitioner,

SHEARMAN, J., pronounced a decree of restitution of conjugal rights with costs, the decree to be obeyed within fourteen days of service.—COUNSEL.—*Hawke*, K.C., and *Clifford Mortimer* (*Willock* with them), for the petitioner; *Rose-Innes*, K.C., and *H. D. Grazebrook*, for the respondent. SOLICITORS, *Ellis, Munday, & Clarke; Cox, Lafone, & Co.*

[Reported by CLIFFORD MORTIMER, Barrister-at-Law.]

In the House of Commons on the 10th inst., in answer to Sir C. Henry, Mr. L. Harcourt said the Advisory Committee appointed under the Trading with the Enemy Amendment Act, 1916, have investigated the businesses of 415 companies and firms, and it is anticipated that there may be somewhat over 200 additional cases for their consideration. Most of the important cases have already been considered by the Committee, and in view of the progress which has been made and the desirability of uniformity of treatment I do not think it is necessary to appoint any further committee.

The directors of the London County and Westminster Bank (Limited) have declared an interim dividend of 9 per cent. for the half-year ending 30th June. The dividend (9s. per share), less income tax, will be payable on 1st August.

New Orders, &c.

War Orders and Proclamations.

The *London Gazette* of 7th July contains the following:—

1. An Order in Council, dated 7th July (printed below), amending the Aliens Restriction (Consolidation) Order, 1916.
2. An Order in Council, dated 7th July (printed below), defining a new Liquor Control area—the South-Eastern Area—including the existing Newhaven Area.
3. A Treasury Notice (printed below) with respect to Dollar Securities.
4. A Notice that Orders have been made by the Board of Trade under the Trading with the Enemy Amendment Act, 1915, requiring five more businesses to be wound up, bringing the total to 222.
5. A General Order, dated 6th July (printed below), of the Central Control Board (Liquor Traffic), relating to the sale of medicated wines.
6. An Admiralty Order, dated 1st July (printed below), under the Munitions of War Acts.
7. Two Admiralty Orders to Mariners as follows:—

(1) A Notice, dated 5th July (No. 721 of the year 1916), repeating, with additional information, Notice No. 504 of 1916, relating to England and Wales, South and West Coasts (Portland Bill to Bardsey Island—Traffic Regulations). The Regulations relate generally to pleasure craft of all descriptions, and to fishermen, and particularly to Plymouth Sound and Hamoaze, and the Channel southward of the Breaksea light-vessel, passage through which is entirely prohibited.

(2) A Notice, dated 6th July (No. 728 of the year 1916), repeating, with amendments and additional information, No. 619 of 1916, relating to the English Channel, North Sea, and Rivers Thames and Medway, &c. (Pilotage and Traffic Regulations).

These Notices are issued under the Defence of the Realm (Consolidation) Regulations, 1914. The second Notice includes the following Regulation:—

6. All vessels, other than those of British Nationality or those of the Allied Nations, are prohibited from entering the Medway and Swale rivers.

All Neutral Aliens are prohibited from entering the Medway and Swale rivers in British vessels, and this applies to Aliens carried in British ships or barges as passengers or part of crew; the limits of the prohibited area are defined as from the Outer Bar buoy in the River Medway to Rochester bridge, and the whole of the River Swale from the light on Queenborough spit to Columbine spit buoy. Attention is drawn to the necessity of shipowners and charterers satisfying themselves that no Neutral Aliens are on board vessels sent to the Rivers Medway and Swale.

The *London Gazette* of 11th July contains the following:—

8. An Order in Council, dated 7th July (printed below), withdrawing the Orders by which the Declaration of London was adopted with modifications.
9. An Order in Council, dated 7th July, applying to the Isle of Man, with modifications, the Regulations under the Military Service Regulations (Amendment) Order, 1916 (1st June), relating to the Military Service Tribunals.
10. Orders in Council, dated 7th July, applying to the Isle of Man, with adaptations, the Defence of the Realm Regulations of 23rd May, 1916 (*ante*, p. 516), and 8th June, 1916 (*ante*, p. 558). The Defence of the Realm Regulations as altered by the Order of 23rd May and previous Orders, are now published in consolidated form.
11. A Foreign Office Notice, dated 11th July, that additions have been made to the lists published as a supplement to the *London Gazette* of 16th May, 1916, of persons to whom articles to be exported to Siam may be consigned.
12. An Order, dated 7th July (printed below), of the Minister of Munitions, defining the war material to which Regulation 30A of the Defence of the Realm (Consolidation) Regulations (59 SOLICITORS' JOURNAL, 764) applies.
13. A Notice that Orders have been made by the Board of Trade under the Trading with the Enemy Amendment Act, 1915, requiring 6 more businesses to be wound up, bringing the number to 228.

Aliens Restriction Order.

ORDER IN COUNCIL.

[Recitals.]

It is hereby ordered as follows:—

At the end of sub-section (4) of Article 19 of the Aliens Restriction (Consolidation) Order, 1916, the following provision shall be inserted:—

"Where the Secretary of State has made an order under this provision in respect of any area, he may, without prejudice to his power to revoke the order, by subsequent order or orders limit the operation of the first order by directing that the exemption conferred thereby shall not apply to alien friends of any class or description specified in the subsequent order or orders, and on the making of any such order this Article shall apply to alien friends of that class or description accordingly as from the date specified in the order."

7th July.

[Article 19 contains the regulations as to registration, and sub-section (4) is as follows :—

A Secretary of State may by order direct that in any area specified in the order this Article shall not apply in respect of that area to alien friends resident in the area on the 14th day of February, 1916.]

New Liquor Control Areas.

ORDER IN COUNCIL.

[Recitals.]

And whereas by Order in Council dated the 6th day of July, 1915, His Majesty was pleased, in pursuance of the Defence of the Realm (Amendment) (No. 3) Act, 1915, to apply the Defence of the Realm (Liquor Control) Regulations, 1915, and any Regulations amending the same to an area known as the area of Newhaven, and more particularly described in paragraph 2 of the Schedule thereto, and it appears to be expedient that the said area should form part of the area defined and specified in the Schedule hereto :

And whereas it appears to His Majesty that it is expedient for the purpose of the successful prosecution of the present War that the sale and supply of intoxicating liquor in the area defined and specified in the Schedule hereto should be controlled by the State on the grounds that War material is being made, loaded, unloaded and dealt with in transit therein, and that men belonging to His Majesty's Naval and Military Forces are assembled therein :

Now, therefore, &c., it is hereby ordered as follows :—

The Defence of the Realm (Liquor Control) Regulations, 1915, and any Regulations amending the same, shall be, and are, hereby applied to the area defined and specified in the Schedule hereto.

SCHEDULE.

The South Eastern Area, being the area comprising the Cities of Canterbury and Rochester, and so much of the County of Kent as is not comprised in the London Area and in the Shorncliffe Area, as respectively defined and specified in the Schedule to Orders in Council dated the 24th day of September, and the 30th day of November, 1915; so much of the County of Surrey as is not comprised in the London Area aforesaid and in the Southern Military and Transport Area, as defined and specified in the Schedule to an Order in Council dated the 15th day of February, 1916; the County Boroughs of Brighton, Eastbourne and Hastings, and so much of the County of Sussex as is not comprised in the Southern Military and Transport Area aforesaid.

7th July.

American Dollar Securities.

TREASURY NOTICE.

The Lords Commissioners of His Majesty's Treasury hereby give notice that holders of any suitable American Dollar Securities of less than $5,000 (£1,000) in amount may deposit the same on loan through the medium and in the names of their Bankers, Stock Brokers or other approved Agencies.

Agents desirous of depositing such securities should apply by letter to the American Dollar Securities Committee, 19, Old Jewry, London, E.C., for instructions and forms.

Defence of the Realm (Liquor Control).

GENERAL ORDER OF THE CENTRAL CONTROL BOARD (LIQUOR TRAFFIC) RELATING TO THE SALE OF MEDICATED WINES.

Any person contravening any provision of this Order or of the Liquor Control Regulations is liable to imprisonment for six months with hard labour and a fine of £100.

We, the Central Control Board (Liquor Traffic), in pursuance of the powers conferred upon us by the Acts and Regulations relating to the Defence of the Realm, hereby make the following general order :—

Areas to which the Order applies.

1. This Order shall apply to all areas to which the Defence of the Realm (Liquor Control) Regulations, 1915, have been applied.

Additional Conditions as to the Sale of Medicated Wines.

2. On and after the seventh day of August, 1916, no person shall either by himself or by any servant or agent sell or supply to any person in any licensed premises for consumption off the premises or dispatch therefrom any intoxicating liquor in the form of or prepared as (*a*) medicated wine or (*b*) any mixture or preparation which contains any drug or medicament or is sold or advertised for sale as containing or purporting to contain medicinal properties except in a bottle or other vessel bearing a label correctly stating in clear and legible words or figures the amount of proof spirit contained in such medicated wine or mixture or preparation. Provided always that nothing herein shall be deemed to affect the sale of—

(*a*) Any medicine mixture or preparation appearing in the British Pharmacopeia or the British Pharmaceutical Codex; or

(*b*) Any medicine mixture or preparation which is made up for a customer on the signed prescription of a medical practitioner; or

(*c*) Medicated or methylated spirits or spirits made up in medicine and sold by medical practitioners or chemists or druggists.

3. (*a*) The expression "licensed premises" in the foregoing Article includes any premises or place where the sale of intoxicating liquor for consumption off the premises is carried on under a licence.

(*b*) This Order does not affect the sale or dispatch of intoxicating liquor to a trader for the purposes of his trade.

(*c*) In the application of this Order to any area or part of an area in Scotland the Order shall be read as if the expression "exciseable liquor" were substituted for the expression "intoxicating liquor."

Given under the Seal of the Central Control Board (Liquor Traffic) this sixth day of July, 1916.

D'ABERNON, Chairman.
JOHN PEDDER, Member of the Board.

Munitions of War Act.

ADMIRALTY NOTICE.

Whereas the Minister of Munitions has made arrangements under Section 20 of the Munitions of War (Amendment) Act, 1916, with the Commissioners for executing the office of Lord High Admiral of the United Kingdom whereby the said Lords Commissioners exercise the power of the said Minister under Section 7 of the Munitions of War Act, 1915, of applying the provisions of that Section, as amended by Section 5 of the Munitions of War (Amendment) Act, 1916, to any establishment engaged in the classes of work enumerated in paragraph (c) of sub-section 1 of Section 9 of the Munitions of War (Amendment) Act, 1916.

Now Their Lordships hereby make the following order :—

The provisions of Section 7 of the Munitions of War Act, 1915, as amended by Section 5 of the Munitions of War (Amendment) Act, 1916, (which relate to the prohibition of the employment of persons who have left Munitions work) shall apply to any establishment engaged in the construction, alteration, repair or maintenance of docks and harbours and work in estuaries.

By command,
W. Graham Greene.

1st July.

Declaration of London.

ORDER IN COUNCIL.

Whereas by an Order in Council, dated the 20th day of August, 1914, His Majesty was pleased to declare that during the present hostilities the provisions of the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government :

And whereas the said Declaration was adopted as aforementioned in common with His Majesty's Allies :

And whereas it has been necessary for His Majesty and for His Allies from time to time to issue further enactments modifying the application of the articles of the said Declaration :

And whereas Orders in Council for this purpose have been issued by His Majesty on the 29th day of October, 1914, the 20th day of October, 1915, and the 30th day of March, 1916 :

And whereas the issue of these successive Orders in Council may have given rise to some doubt as to the intention of His Majesty, as also as to that of His Allies, to act in strict accordance with the law of nations, and it is therefore expedient to withdraw the said Orders so far as they are now in force :

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that the Declaration of London Order in Council No. 2, 1914, and all Orders subsequent thereto amending the said Order are hereby withdrawn;

And His Majesty is pleased further to declare, by and with the advice of His Privy Council, and it is hereby declared, that it is and always has been His intention, as it is and has been that of His Allies, to exercise their belligerent rights at sea in strict accordance with the law of nations;

And whereas on account of the changed conditions of commerce and the diversity of practice doubts might arise in certain matters as to the rules which His Majesty and His Allies regard as being in conformity with the law of nations, and it is expedient to deal with such matters specifically;

It is hereby ordered that the following provisions shall be observed :—

(*a*) The hostile destination required for the condemnation of contraband articles shall be presumed to exist, until the contrary is shown, if the goods are consigned to or for an enemy authority, or an agent of the enemy State, or to or for a person in territory belonging to or occupied by the enemy, or to or for a person who, during the present hostilities, has forwarded contraband goods to an enemy authority, or an agent of the enemy State, or to or for a person in territory belonging to or occupied by the enemy, or if the goods are consigned "to order," or if the ship's papers do not show who is the real consignee of the goods.

(*b*) The principle of continuous voyage or ultimate destination shall be applicable both in cases of contraband and of blockade.

(*c*) A neutral vessel carrying contraband with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.

(*d*) A vessel carrying contraband shall be liable to capture and

condemnation if the contraband, reckoned either by value, weight, volume, or freight forms more than half the cargo.

And it is hereby further ordered as follows :—

(i) Nothing herein shall be deemed to affect the Order in Council of the 11th March, 1915, for restricting further the commerce of the enemy, or any of His Majesty's Proclamations declaring articles to be contraband of war during the present hostilities.

(ii) Nothing herein shall affect the validity of anything done under the Orders in Council hereby withdrawn.

(iii) Any cause or proceeding commenced in any Prize Court before the making of this Order may, if the Court thinks just, be heard and decided under the provisions of the Orders hereby withdrawn so far as they were in force at the date when such cause or proceeding was commenced, or would have been applicable in such cause or proceeding if this Order had not been made.

This Order may be cited as "The Maritime Rights Order in Council, 1916."

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

7th July.

Defence of the Realm Regulations.

Attention is called to Regulation 41A of the Defence of the Realm Regulations and D.R. Form 17 issued thereunder, by which lists of male employees between the ages of eighteen and forty-one must be exhibited in a conspicuous place on the premises where such men are employed.

The official forms for this purpose can be obtained from any post office.

The military representative for the City of London Tribunal is arranging for officers to go round and inspect these lists during the course of the next few months.

War Material.

ORDER UNDER REGULATION 30 (A) OF THE DEFENCE OF THE REALM (CONSOLIDATION) REGULATIONS.

Ministry of Munitions,
7th July, 1916.

Order.

In pursuance of the powers conferred upon him by Regulation 30 (A) of the Defence of the Realm (Consolidation) Regulations, 1914, the Minister of Munitions hereby orders that the war material to which the Regulation applies shall include war material of the following classes and descriptions, namely :—

METALLURGICAL COKE of the following classes and descriptions :—
- Derbyshire.
- Durham and Northumberland.
- Lancashire.
- South Wales and Monmouthshire.
- Staffordshire.
- Yorkshire.
- Midland Counties.

PIG IRON of the following classes and descriptions :—
- Hematite.
- Cleveland.
- Derbyshire, Leicestershire and Nottinghamshire.
- Lincolnshire.
- Northamptonshire.
- Scottish.
- Staffordshire, Shropshire and Worcestershire.

BAR IRON.

STEEL of the following classes and descriptions :—
- Angles, Tees, Channels, Flats, Bulb Angles, Zeds and other sections, of which the prices are customarily based on the price of Angles.
- Joists.
- Ship plates.
- Boiler plates.
- Rails (railway).
- Sheet and tin plate bars.
- Blooms and billets, ordinary mild steel.
- Blooms and billets, special.
- Rounds and squares (untested).

HIGH SPEED TOOL STEEL.

D. Lloyd George.

There is appended a notice of general permit under the above Order, under which all persons until further notice may :—(*a*) Buy, sell or deal in; or (*b*) offer or invite an offer or propose to buy, sell or deal in; or (*c*) enter into negotiations for the sale or purchase of or other dealing in the war material referred to in the above-mentioned Order, subject to certain conditions, including limitations of price.

Committee of Prices and the Maintenance of Supplies.

The President of the Board of Trade appointed in June a Committee, consisting of

The Right Hon. J. M. Robertson, M.P., Chairman,
Mrs. Pember Reeves,
Mr. W. C. Anderson, M.P.,
Professor W. J. Ashley,
Mr. John Boland, M.P.,
Mr. Thomas Brodrick,
Sir Gilbert Claughton, Bart.,
Mr. J. R. Clynes, M.P.,
Mr. R. E. Prothero, M.P.,
Mr. Thomas Shaw, J.P.,
Sir W. Capel Slaughter,

to investigate the principal causes which have led to the increase of prices of commodities of general consumption since the beginning of the war, and to recommend such steps, if any, with a view to ameliorating the situation as appear practicable and expedient, having regard to the necessity of maintaining adequate supplies.

Mr. E. C. Ramsbottom, of the Board of Trade, is acting as Secretary to the Committee.

Mr. J. M. Robertson (says the *Times*), the Chairman of the Committee, was Parliamentary Secretary to the Board of Trade from 1911 to 1915, and has a wide knowledge of trade and economic problems. Mrs. Pember Reeves, whose husband is Director of the London School of Economics, has been known as the possessor of expert knowledge of domestic economics and is author of Round About a Pound a Week. Mr. W. C. Anderson is chairman of the executive of the Labour Party, and with Mr. Clynes, who is chairman of the executive and secretary of the Lancashire District Gasworkers' and General Labourers' Union, is fully conversant with the problem of prices as it affects labour. Professor W. J. Ashley, who fills the Chair of Commerce in the University of Birmingham, is the well-known economist whose views on the causes and effects of high prices were recently published in the *Times*. He has a wide knowledge of trade and living conditions in Germany. Mr. Boland, who sits in Parliament for South Kerry, was a member of the Departmental Committee on Food Production in Ireland last year, and is vice-president of the Irish Industrial Development Association. Sir Gilbert Claughton is chairman of the London and North-Western Railway and a director of several banking, insurance, and industrial concerns. Mr. Prothero is agent-in-chief to the Duke of Bedford and an alderman of Bedford City Council, and is in touch with agricultural interests. Sir W. Capel Slaughter is a partner in the firm of Slaughter & May, solicitors, of Austin-friars, E.C.

"Anzac" as a Trade Name.

The Board of Trade have issued the following memorandum :—

The Australian Government have called attention to certain instances of the employment in this country, for trading purposes, of the word "Anzac." In view of the associations attached to the name, its use in connection with trade and industry has been entirely prohibited in the Commonwealth of Australia, and the Board of Trade trusts that, in the circumstances, traders and the public in the United Kingdom will respect Australian wishes by abstaining from the use of the word for such purposes.

Societies.

The Law Society.

The general meeting of the Law Society was held at the Society's Hall, Chancery-lane, on Friday, the 7th inst., the President, Mr. Richard Stephens Taylor (London), taking the chair. Among those present were the Vice-President, Mr. Thomas Eggar (Brighton), and the following Members of the Council—Mr. Alfred John Morton Ball (Stroud), Mr. Charles Edward Barry (Bristol), Mr. John Field Beale, Mr. Harry Rowsell Blaker (Henley-on-Thames), Mr. John James Dumville Botterell, Mr. Edward Bramley (Sheffield), Mr. John Wreford Budd, Mr. Lewin Bampfield Carslake, Mr. Alfred Henry Coley (Birmingham), Sir Homewood Crawford, Mr. Weedon Dawes, Mr. Robert William Dibdin, Mr. Walter Dowson, Mr. Walter Henry Foster, Mr. Samuel Garrett, Mr. Herbert Gibson, Mr. Charles Goddard, Mr. John Roger Burrow Gregory, Sir Henry James Johnson, the Hon. Robert Henry Lyttelton, Mr. Frank Marshall (Newcastle-upon-Tyne), Mr. Philip Hubert Martineau, Mr. Charles Henry Morton (Liverpool), Mr. Robert Chancellor Nesbitt, Mr. William Henry Norton (Manchester), Mr. Arthur Copson Peake (Leeds), Mr. Kenrick Eyton Peck (Devonport), Mr. Richard Alfred Pinsent (Birmingham), Sir Albert Kaye Rollit, LL.D., D.C.L., Litt.D., Mr. William Arthur Sharpe, Mr. Frederic Oddin Taylor, D.L. (Norwich), Sir Walter Trower, Mr. William Melmoth Walters, Mr. William Arthur Weightman (Liverpool), Mr. Robert Mills Welsford, and Mr. William Howard Winterbotham; also Mr. E. R. Cook (Secretary).

PRESIDENT AND VICE-PRESIDENT.

The PRESIDENT said that Mr. Thomas Eggar (Brighton) and Mr. Samuel Garrett had been proposed respectively as president and vice-president, and as there were no other candidates he declared them duly elected.

VACANCIES ON COUNCIL.

The PRESIDENT said there were ten vacancies on the council and ten candidates only had been proposed to fill those vacancies. Accordingly there was no contest, and he declared them duly elected as follows:—Mr. Lewin Bampfield Carslake, Sir Homewood Crawford, Mr. Alfred Davenport, Sir Edward Henry Fraser, D.C.L. (Nottingham), Sir Henry Johnson, Mr. Frank Marshall (Newcastle-upon-Tyne), Mr. Kenrick Eyton Peck (Devonport), Mr. Charles Leopold Samson, Mr. Charles St. David Spencer (Cardiff), and Mr. Richard Stephens Taylor.

It will be seen that the whole of the retiring members have been re-elected, with the exception of Mr. W. J. Humfrys (Hereford), who did not offer himself as a candidate. Mr. Charles St. David Spencer (Cardiff) is the new member.

AUDITORS.

The PRESIDENT said that Mr. John Stephens Chappelow, F.C.A., Mr. Arthur Elliott Riddett and Mr. John William Rose had been proposed as auditors, and, there being no other candidates, he declared them duly elected.

SOCIETY'S ACCOUNTS.

The PRESIDENT moved that the accounts for the past year which were contained in the annual report be received and adopted.

Sir WALTER TROWER (Chairman of the Finance Committee) seconded the motion. He said that perhaps he might be permitted to make a few remarks as to the present position of the finances of the Society. The balance-sheet showed a credit of £194,000 capital, after debiting the mortgage debt of £10,000, which was the balance remaining on the sum expended on the new buildings. The expenditure on the new buildings and the recent alterations amounted to between £50,000 and £60,000, and that had been paid off, with the exception of £10,000, out of the savings of income in the past year. Turning to the income account, there was a debit on the articled clerks account of £3,160 7s. 6d. and a credit balance on the Society's account of £1,609 2s. 8d. Taking the two accounts together, the debit was £1,550 14s. 10d. The reduction in revenue, the loss owing to the war, amounted to no less a sum than £8,069 17s. 8d. Of this £2,068 17s. 6d. was attributable to the Society's account and £6,001 0s. 1d. to the articled clerks account. The Society had effected savings to meet this decrease in their income. On the Society's account savings had been effected to the amount of £3,073 1s., and on the articled clerks account, £3,526 2s. 5d. The total savings which had been effected against the diminution of income of £8,000 odd was £6,599 2s. 6d., and it was hoped to effect further economies this year on both accounts. From the purely financial view the debit on the income was, of course, very unsatisfactory, but in another aspect it meant, and he was sure the members would appreciate this, that every solicitor and every student available for military service had voluntarily joined the colours, and he thought he might say that they were very proud of that fact.

SOLICITORS AND CLERKS WITH THE FORCES.

Nearly 4,000 solicitors and students had joined the colours. Many had gained military honours; many, alas! had had their names recorded on the roll of honour. He was sure that they would all wish to express their deepest sympathy with the relatives of those who had suffered and died in the service of the country.

Qui procul hinc, the legend's writ,
The frontier grave is far away,
Qui ante diem periit,
Sed miles, sed pro patria.

SOCIETY'S EDUCATIONAL SYSTEM.

Might he say a few words about the future of the Society's educational system. When there was a scanty seedtime there must be a scanty harvest, and if there were few students joining the profession now it followed that there would be very few persons entering the profession for years to come, and they must look forward, as every educational establishment must look forward, to lean years and strict economy. Those who were articled now would come up for final examination in three or five years time respectively, and the large diminution of students could be illustrated in this way: In 1905, ten years ago, there were 630 students entering the ranks as articled clerks, last year there were only 188. This year it was anticipated that only 100 would join the ranks, and from that it must follow, of course, that there must be a diminution of the Society's income. Nevertheless, he hoped it would be determined that, however few the students were in London and throughout the country, the Society would maintain their educational system, even at a considerable sacrifice. The Society had perfected their system, both in London and in the great commercial centres and throughout the country, and he thought it most desirable that they should use every effort to maintain that system, so that when the students came back they should find the same facilities for proceeding with their studies in law when they left the trenches as they had before the war began. Mr. E. A. Bell had sent him notice of certain questions he wished to put with regard to the accounts, and he would be pleased to answer any other questions.

Mr. E. A. BELL (London) said he had asked the questions to which Sir Walter Trower had referred in the interests of good accountancy. In the income and expenditure account three items were lumped together in one gross total. Rates, taxes and voluntary subscriptions appeared as £2,771 1s. 4d. He asked whether it would not be well to shew what were rates and taxes, and what were voluntary subscriptions, and possibly the members might be informed to what charities the subscriptions were given. Then there was the item, "Salaries to officers, clerks and servants, and pensions, £10,402 13s.," a fairly considerable item. He asked whether that could be distinguished, giving the two items, salaries and pensions. There were many other items in the accounts, but he had dealt only with those that cried out most loudly for explanation. There was also the item, "Law and Parliamentary expenses, including costs allowed by committee under Solicitors Act, 1888, and proceedings with reference to important measures in Parliament, £2,225 4s. 1d." He asked what were disbursements and what were profit fees, and, in respect to profit fees, to whom those were payable. If there were any profit fees payable, naturally the item should go on the credit side.

ARTICLED CLERKS FUND.

Col. CHAS. FORD (London) said there was another item of interest. He understood that the Associated Provincial Law Societies were not altogether satisfied with the illiberality of the Council in reducing the contribution of the Society for the purpose of assisting education in the provinces. The method by which the accounts were apportioned was very unfair and very unjust, and he could not understand how the Associated Provincial Law Societies, represented as they were on the Council, should allow this unfair apportionment to continue, when there was so serious a sum charged against the articled clerks account. In the present account it made the excess of expenditure over income £3,160 7s. 6d. This was a quite imaginary sum, and was arrived at by a most unfair adjustment. The Council had for many years charged far too much of the general expenses against the articled clerks fund. This was particularly the case in regard to the item referred to by Mr. Bell, "Rates, taxes and voluntary subscriptions, and salaries and pensions." If there was a proper adjustment he was quite satisfied that instead of there being a debit there would be a credit to the articled clerks fund, and that there would therefore be money available for education in the provinces. Then there was the item, "Law and Parliamentary charges, £2,225 4s. 1d." He could not understand why the costs allowed under the Solicitors Act should be lumped with the law and Parliamentary expenses. As a matter of fact, the grant from the Government towards the expenses of the Discipline Committee was greater than the amount expended in paying the costs of proceedings under the Solicitors Act, and this ought to be shewn in the accounts. The articled clerks fund was actually charged with the sum for nominal rent of £1,850. He could remember the time, about forty years ago, when there was no separate account of the articled clerks fund, but that had been altered; still, he was afraid that unless the Associated Provincial Law Societies took the matter up, there would never be a proper adjustment of the articled clerks fund. He thought also that the Council might be expected to pay for their own luncheons, instead of getting them at the expense of the Society.

Sir WALTER TROWER said he would deal first with Mr. Bell's questions. With regard to the rates and taxes item, it was split up in this way: rates and taxes, £2,689 11s. 4d.; voluntary subscriptions, £81 10s. With regard to the differentiation of salaries and pensions, £10,402 was the amount expended in salaries to officers, clerks, &c. The pensions amounted to £3,286. With regard to the item "Law expenses: including disbursements for bringing the cases before the Discipline Committee," these amounted to £1,275. Counsel's fees paid by the Society were £234, court fees and stamps £85, shorthand writers and typists and printers £591. The balance was made up of sundry small sums paid to sixteen firms of solicitors in reference to their work and to the statutory committee in the Society's building. With regard to the criticism as to the contribution by the Government, it did not amount to the sum which the Society expended on what might be called discipline, but it was as much as the Council could induce the Government to pay for it. Then there was "Printing, stationery and advertisements, £1,140 14s. 4d." The printers received and were given credit for advertisements in the Society's *Gazette;* the printers did not receive payment for advertisements in the *Gazette*. The Society received £623 for advertisements, and this sum was deducted before the sum of £1,140 was arrived at. The expenses of the *Gazette* and *Registry* were more than £623. No profit was made on the *Gazette* and *Registry*, which was carried on for the benefit of the members. With regard to the general question as to what was debited to the different accounts in order to keep them separate, he thought that it was in his time as chairman of the Finance Committee that the accounts were made completely separate, so far as the articled clerks fund and the Society were concerned. They were framed in order that the finances of education might be definitely ascertained. With regard to the rent that was charged to the articled clerks fund, that was actually ascertained at the time the last buildings were erected for the benefit of the articled clerks. It was ascertained by surveyors, who went through room after room and attributed the portion of rent which should be charged for the erection of the building partly to the Society and partly to the

articled clerks. It was a matter of actual survey. It was done by Messrs. Wetherall & Green some years ago, and since that, although the facilities for articled clerks had been largely increased, it had been thought wise not to increase the item. As regarded the apportionment for establishment charges, it was very difficult to determine what should be charged to the articled clerks' fund and what to the Society, and a certain amount had been attributed to the articled clerks fund and a certain amount to the Society by comparison of the income of each. As the income of the articled clerks fund diminished, the charge against it diminished, and, of course, he need hardly say that where there was a deficit on the articled clerks fund that deficit would be made up from the general fund of the Society. The matter was more one of accountancy than of practical polity. The question of legal education in the provinces was now under the consideration of a committee, and they were acting with the provinces in the matter, and he hoped they would be able to satisfy them. The Council had a joint committee considering the question and whatever was ultimately decided would be with their entire concurrence. For a portion of the year, as had happened ever since the beginning of the Society, all the Council ever got was that they were not charged for their lunches on the Council day. But now they had given that up for some time and they paid for their own lunches in every case.

Col. FORD said he did not quite follow Sir Walter Trower's explanation with regard to the Law and Parliamentary item. He had suggested that the Society received from the Government more than they spent in connection with the Discipline Committee.

Sir WALTER TROWER said that, as a matter of fact, the Society spent a great deal more on it than the Government allowed. He quite agreed with the observation that the Government ought to pay the Society what it expended in regard to discipline cases, but the council got what they could. He would be very happy to see Col. Ford with regard to the matter at any time at the Society's hall.

Col. FORD said he would avail himself of the invitation.

The motion was adopted.

ANNUAL REPORT.

The PRESIDENT moved the adoption of the annual report.

SOLICITORS AND CLERKS WITH THE FORCES.

He said that up to the present time 2,532 solicitors and 1,272 articled clerks had joined H.M. forces, and 166 solicitors and 102 articled clerks had been killed on service; 70 solicitors and 24 articled clerks had been mentioned in despatches, of whom 5 solicitors and one articled clerk had been twice mentioned. The numbers were :—Commanders of the Bath, 2 solicitors; Companions of St. Michael and St. George, 8 solicitors; Distinguished Service Order, 10 solicitors; Military Cross, 21 articled clerks; Distinguished Conduct Medal, 4 solicitors. Since March last compulsory service had been adopted, and, as a result, many more solicitors and their clerks had joined up, but he had not before him all the exact details to the present day.

TRIBUNALS AND EXEMPTION.

When Lord Derby's scheme was before the public, and tribunals were appointed to deal with applications for exemption from service, the authorities in the city and other parts of London asked the Council to undertake to form an advisory committee, to advise them with regard to the claims for exemption by solicitors and their clerks. This the Council took upon themselves, and no fewer than 850 applications had been dealt with up to the present time in London alone. He thought the Council might say that they had been of some service to the tribunals and to the profession.

COMMISSIONERS ON WAR RELIEF COMMITTEE.

When the final report of the War Relief Committee was published in the *Times* the Council learnt for the first time that the Government were going to deal with claims by its soldiers who had to join the forces in respect to losses of income they had sustained, and the same report told them that barristers had been appointed for different localities to deal with the claims of applicants. On the same day that appeared in the *Times*, he (the President) arranged with the Secretary, he could not wait for the Council, at once to write to Sir George Cave, the Solicitor-General, who had the matter in hand, pointing out that, in the opinion of the council, solicitors could much better carry on these duties, especially in country localities where they knew the needs of the people and knew them personally. The only reply received was that barristers had been appointed, and that, in the opinion of the authorities, it was better to appoint strangers, as people applying for aid under this scheme would not like to go to people who knew them. The Council also asked a member of the House of Commons, who was a solicitor, to see Mr. Long and Mr. Hayes Fisher officially, but the only answer they got was that the appointments had all been made, and that therefore there was nothing more for the Council to do. The Government had now taken a fresh step. They had appointed a committee to deal with the report of the Commissioners with regard to these claims, and, when forming the committee, they wrote to the Council asking them to name two of their members to act on that committee. The Council considered the matter and they appointed Mr. Beale and himself, and they were now serving on that committee, and he thought he might say they would be glad to get out of it, for it was a very laborious work.

A MEMBER asked how many members there were on the committee.

The PRESIDENT said there were twenty-three.

RELIEF FROM CERTIFICATE DUTY.

Since the last annual report the Chancellor of the Exchequer, after two previous refusals to do so, had arranged that relief from certificate duty would be allowed in respect of any period during which solicitors had been prevented from attending to their business owing to absence on active service with the naval or military forces.

WAR DEGREES.

The Council had decided that they would, so far as possible, concede to holders of war degrees, as they were now called, the exemptions from service under articles and from certain of the Society's examinations accorded to persons holding ordinary University degrees.

MEMBERSHIP OF SOCIETY.

Members would observe from the report that the membership of the Society during the past year had decreased. That was inevitable in view of the fact that there was so large a decrease in the number of those entering the profession, and the Society was to be congratulated on the fact that the decrease in membership was not proportionate to the decrease in the number of those seeking admission as solicitors, but the Council hoped that members would make every effort to increase the membership of the Society as much as possible. Still the numbers had decreased very slightly, only some 230, he thought.

EMERGENCY ACTS.

During the year, among other matters the Council had been able to interfere, he thought usefully, in various of those Emergency Acts which had been brought forward. They had succeeded in getting amendments in a good many of them, and he thought that, if members would read the report, they would find that, taking it altogether, they had had a very busy year, and that the Council had not been altogether uselessly employed during that year.

Mr. THOMAS EGGAR (Brighton), Vice-President, seconded the motion.

KING'S BENCH PROCEDURE.

Mr. BELL said he had hoped to have heard something from the President dealing with that portion of the report which related to a matter of such importance as the simplification of King's Bench procedure. Glancing through the various items dealt with, he thought he might generalise by saying that, where there was an obvious reform required, or where reform called out for redress, the Council had cordially agreed. They had, if he might say so, dealt massively with the obvious. But where questions of procedure were concerned which were a little difficult or complicated, the Council had given more or less undecided opinions.

SUMMONS FOR DIRECTIONS.

One of the clauses which hit off the council's opinion upon these difficult matters was that on the subject of summons for directions, where they said, "The committee accordingly report that, while they hold no very strong view as to the desirability of retaining the summons for directions and agree that it might in many cases be made more effective, they do not consider that, as suggested, it should be made the occasion for deciding really important questions." He ventured to think that the committee, as representing the Council, ought to hold decided and even militant views on some of those questions where they had tentatively disagreed or held vacuous opinions. He wished to draw attention to three particular items upon which the Council had expressed a more or less open opinion. With regard to the summons for directions, those in practice knew what happened. They knew there was a court fee payable on the summons, and he would respectfully impress upon the Council the propriety of considering whether they could recommend that the summons for directions should be somewhat in the nature of petitions of course. Solicitors could go and practically put their pennies through the office bureau, and get an order for directions, setting out in detail the procedure to be adopted, and then could be grafted the necessary subsequent applications on the record of what they called the common form order.

PLEADINGS.

With regard to the question of pleadings, the Council considered that pleadings could not be shortened. He ventured respectfully to tell every member of the Council that they could——

Sir H. J. JOHNSON, a member of the Council, said that some of the Council were in practice, and did not want instruction in these details.

Mr. BELL said he was indebted to Sir Henry Johnson for the interruption, and would respectfully refer him to two or three statements of claim which had passed through the courts, and would tentatively ask him whether or not they could be shortened, statements of claim dealing with fraudulent representations, for instance. He would not say anything dealing with Admiralty, because he understood they were managed better. But statements of claim in common form set out in the way which had been adumbrated in the Companies Consolidation Act, where model forms of prospectuses were set out in the schedule to that Act and statements of claim should be somewhat in that form, he ventured to assert, subject to the better opinion of the Council.

DISCOVERY.

Then there was the question of discovery. The Council expressed the opinion that they disagreed with the suggestion that discovery

should not be carried through in the cumbrous method in which it now appeared. The report said "Master Chitty's idea is that an affidavit of documents is in many cases quite unnecessary, and should be substituted by a list of documents furnished by each solicitor, and an affidavit should only be furnished when really necessary. The committee disagree with this suggestion, which, in their opinion, would result in the suppression of documents, and in many cases lead to an application for an affidavit after the exchange of the lists." He suggested that the Council might reconsider their opinion. He thought that the question of documents in legal procedure was one which was apparent to the lay mind as well as to the trained legal entity which solicitors supposed themselves to be. The first question one asked in litigation was Where are the documents? He thought that, after the evidence given during the Royal Commission and elsewhere in relation to shortening the procedure in matters of discovery, the Council should have dealt with the matter more at length instead of simply saying they disagreed in a short paragraph.

Judge in Chambers.

They again entirely disagreed with the suggestion that there should be a permanent judge in chambers, as Master Chitty had suggested, sitting continuously; or better still, that the sitting of a judge of the High Court in chambers should be abolished altogether, and a special judge in chambers be appointed for the purpose, such as a Senior Master. He urged that any form of uniform continuity in practice and procedure during interlocutory matters was something to be wished for, and he believed it had been said elsewhere that uniform continuity of procedure of the practice before judges in chambers did not exist. If it could exist, was not that a desideratum? But the Council had dismissed the matter by using the same phrase, "that they disagreed."

Rule Committee.

Then with regard to the Rule Committee, he had been told by an authority who could be listened to, if not relied upon, that it was part of the province of the Rule Committee to prepare and organize the regulations of the catering department of refreshment of the High Court of Justice. That might or might not be——

The President said it was not, as a matter of fact.

Mr. Bell said he accepted the disclaimer at once. He hoped that the recommendation for the appointment of a Chamber Rule Committee would be adhered to by the Society; that there should be appointed an independent and subordinate Chamber Rule Committee, was a proposition that the Society should regard as possible, and he hoped if the President thought it well to reply to the more or less tentative statements he had made, that he might be able to have a definite answer as to whether or not the Council would support any agitation for the appointment of an independent and subordinate Chamber Rule Committee.

Simplifying Procedure.

Mr. James Dodd (London) said he thought that most of them would agree with the answer made by the committee to the suggestions of Master Chitty. At the same time, he felt that the points of which they approved ought to be carried out as soon as possible, and they should not be left to lie on the shelf, as things mostly were when they were proposed by this or that committee, or by the Council. It seemed to him that the profession were not sufficiently occupied with the work of simplifying procedure, just as doctors were occupied with the work of preventing disease. The cost in this country of litigation was appalling; it discouraged an enormous number of people from bringing their actions to the courts, and if there could only be devised some method of simplifying procedure, a very great thing would be achieved by the profession. Furthermore, Master Chitty had said that the rules were a mass of contradictory and undigested matter, and that it was time the committee set to work to simplify the procedure. It seemed to him (Mr. Dodd) that in all accident cases the very first thing that ought to be done for the purpose was that a short statement should be prepared as a preliminary act, detailing the exact circumstances under which the accident occurred when the matter was fresh in everybody's memory, instead of bringing witnesses six or twelve months after the event. It could not be a matter of surprise if the witnesses did not always agree in their testimony as to what had occurred. Nine-tenths of the cases which came into court might be settled by a Master in Chambers under summonses for directions after a few minutes' talk with the parties. He knew the parties on the case, and it could be decided in a few minutes. He (Mr. Dodd) had a case in mind where the facts could not be disputed by the defendant, and were not. But the defendant set up a counter-claim, and it had to go to the assizes to be tried three months after the event. It was an entirely bogus defence, and the merest discussion would have proved it to be so. Luckily, his client, the plaintiff, got his money, but, supposing the defendant in the meantime had got rid of whatever assets he possessed, he could have cheated the plaintiff out of the money. The time had come for the simplification of the rules of procedure, and it was very necessary that they should be initiated by solicitors, because they were the people concerned with the rules. They would do a very great service, not only to the profession but to the country at large.

General Meetings.

Col. Ford said there was no mincing the matter; the Council were on the war path to do away with the general meetings of the Society, and this would be a retrograde step. They had managed to get rid of the April general meeting, and he was very suspicious as to what they intended to do with the general meetings altogether. After criticizing the appointment of barrister War Relief Commissioners and the cutting down of the examinations, he said he was strongly opposed to the Council having done away with prizes for the diligent attendance of students at their studies. Why should the Council take this course, when in former years they had held that these prizes helped to make the students diligent in the pursuit of their legal studies? It was most unfortunate, and he could not help feeling that Sir Albert Rollit, who had taken so much interest in the system of legal education of the Council, would heartily agree that it was a retrograde step.

Delays in Granting Probate.

The profession were specially indebted to the Council for the steps they had taken in regard to delays in granting probate. The system was a very bad one, and it could only be hoped that some attention would be paid to the valuable action of the Council in that regard.

Mr. J. B. Sorrell, jun. (London) said the Council in the report referred at length to the course they had taken where solicitors had done anything that was irregular, but they said nothing about matters just as important. He was referring to a letter he had addressed to the secretary, enclosing a copy of his letter to the Lord Chief Justice on 16th May, which gave the case of a solicitor who had been ruined by being denied the right to appear before the registrar in bankruptcy, or, rather, threatened with creditors if he did. He thought there should have been some reference in the report where a solicitor had been injured in his profession, and expected that some remark should have been made with reference to his letter.

The President said that all the Council had to deal with under the Solicitors Act of 1888 was cases of complaint against solicitors. The Discipline Committee had no power to deal with such matters as that to which Mr. Sorrell was referring. With regard to Mr. Bell's remarks, he had said that the report held no very strong views with regard to the question of summons for direction. The report stated that the Council expressed no very strong views as to the matter. As far as his limited knowledge of practice went, there was no question on which there was a greater division of opinion, and therefore the Council did not express a very strong opinion on the matter. Mr. Bell had referred to matters of very much disputed practice. The report was sent in to the present Lord Chancellor, and he had acknowledged it, and said it should have his most careful and earnest consideration.

Mr. Ford asked, what was the date of that?

The President said he could not give the date from memory, but the present Lord Chancellor had only been in office three or four months.

The motion was adopted.

Council Members Retiring in Rotation.

The President moved, in accordance with notice, "That, as and from 26th April, 1919, bye-law 40 be rescinded and the following bye-law be made and adopted in substitution for it:—40. On the day of the annual general meeting in each year the ten members of the Council who have been longest in office shall go out of office and their places shall be filled by election. As between two or more members of the Council who have been in office for the same length of time, the members to go out of office shall in default of agreement between them be determined by the Council. A retiring member shall be eligible for re-election provided that of the ten members of the Council who in each year go out of office under the provisions of this bye-law two shall (except as hereinafter mentioned) be ineligible for re-election at the annual general meeting at which they so go out of office, or at any adjournment of such meeting, and the two members so to be ineligible shall in default of agreement be selected by the Council. The outgoing members of the Council shall be considered as in office not only until the annual general meeting shall break up or adjourn, but until others shall be respectively elected in their place. If at any annual general meeting the number of vacancies in the Council (other than those caused by retirement in rotation) by reason of the death, resignation or disqualification of members of the Council since the last annual general meeting (in this bye-law called casual vacancies) shall be two or more the portion of this bye-law which provides for retiring members being ineligible for re-election shall not apply. If there shall be no casual vacancies two retiring members shall be ineligible for re-election. If there shall be only one of such casual vacancies one retiring member shall be ineligible for re-election." He said the motion had been put forward in order to meet what the Council thought to be a difficulty in connection with the election of the country members of the Council, through the operation of the bye-law as it stood at present. At the annual meeting last year a resolution was brought forward to provide that certain retiring members of the Council should be ineligible for re-election. If the bye-law, as it stood at present, were again to come into operation, three members would automatically be ineligible for re-election, and this regardless as to whether they were country or London members. The result, as regarded country members, was that under the scheme of the Associated Provincial Law Societies under which they were elected, the result would be that any country member declared ineligible for re-election could not possibly be re-elected until the term of his successor in office had expired, which would certainly be three, and probably four, years. It seemed unfair that the provinces should be deprived for so long a time of the services of those who had gained experience of the work, and the Council agreed with the view of the Associated Societies that the bye-law required amend-

ment. On the other hand, if the principle of ineligibility was considered as desirable, it was not fair that London members should be subject to it so as to relieve their country brethren from its effect. The motion now before the meeting meant when the bye-law came into effect in 1919, that instead of three members retiring annually being ineligible for re-election in the event of there being no casual vacancies caused by death or resignation during the previous year, two members only should be declared to be ineligible, and they were to be town members exclusively. This arrangement would, it was intended, be given effect to by a regulation to be passed by the Council, that so long as the Associated Provincial Law Societies adhered to the scheme which regulated the proportion of London and country members on the Council, so long should those to be declared ineligible under the bye-law be selected exclusively from the London members. The proposed bye-law was the result of long discussion with the representatives of the Associated Provincial Law Societies, and it was hoped thereby, once and for all, to put an end to the vexed question of ineligibility for re-election, and, on the other hand, to do away with any injustice to the provinces whilst providing for the accession of new blood to the Council.

Mr. C. H. MORTON (Liverpool), a member of the Council, secretary to the Associated Provincial Law Societies, seconded the motion. He said he might explain, for the benefit of those members who were not so familiar with the matter as were many of the members of the Council, that the change was proposed in order to avoid a very much greater evil. Some fifteen years ago, or probably more, the members of the Society in the provinces had a larger membership of the Society than had the London members, and every member of the Society having a vote for the election of members of the Council, as the country members were in the majority, the result was that the country members were returned more numerously to the Council at the expense, of course, of the London members. They all knew that the work of the Society on the numerous committees and sub-committees was done rather by the London members of the Council. The distance of the residence of the country members prevented their attending the meetings with the regularity which was really essential if they were to do good work. But the effect of the country members being in the majority was to throw the work of the Council on the Metropolitan representatives. The late Mr. Godden and he and the late Mr. Thomas Marshall considered how they could amend what was going to be a serious evil. At that date there were twenty-nine Metropolitan members and eleven country members, and they agreed to take those figures as a data. The question was how it was to be ensured that no more than the eleven provincial members were from time to time to be returned. The provincial members then agreed to a self-denying ordinance, as he might call it, and they divided the provinces into constituencies on the basis of Parliamentary constituencies, and allocated each of these eleven members to a constituency. This meant that a man must stand for his own constituency, not for another town. A Birmingham member, for instance, could only stand for his own town. If he attempted to stand for any other he would have the weight of the Associated Provincial Law Societies against him, and would find himself at the bottom of the poll. It was the worst that could be devised, but the best that could be conceived. It had worked all these years admirably. But Bye-law 40 was passed within the last three or four years, and at once the difficulty arose that if a member from, say, Birmingham, retired and A was put in his place, the man who had retired had no opportunity of returning to the Council at the end of the twelve months. He was out of it for four years, and the effect of the fact that he was out of it for four years was that he never came back to the Council. So that, however good and however capable he was, and however well he had worked, the Council at the end of his first term might never see him again. If the meeting did not see its way to adopt the proposed bye-law the effect would be that the system of constituencies must disappear and the country must go back to the method of voting which had been discarded and vote at large, and the result, he ventured to submit, on the work of the Council would be disastrous, because they would get far too many country members. He was himself a country member, and he asserted that, if a member had to come 200 or 300 miles to the meetings of the Council, he could not do the work as it ought to be done. It was to prevent too large a majority of the country men on the Council that the proposition was submitted to the meeting. Whilst the great towns in the provinces found no difficulty in finding representatives, the county districts found considerable difficulty. Naturally, the men who were wanted on the Council were men of large practice and of broad experience. Then they must be men of means. If a man had to travel 200 miles each way and stay a night in London when attending Council and committee meetings, he was considerably out of pocket. And when country members found a man of ability and practice prepared to pay the expense and to give the time from his practice necessary, it was very hard on his district if he was declared ineligible and everybody wanted him and they could not send him back. The London members of the Council would, no doubt, arrange that the ineligibility should fall on the London members, so that the country members should not be disqualified, and, therefore, if a provincial district wanted to return its own member it would be able to do so.

Col. FORD said this was a matter which required a good deal of consideration. It seemed to him this was a happy-go-lucky way of meeting a very difficult problem. Some years ago the Society had very large general meetings, with a view of getting over the difficult point that there should be exclusion for a certain number of members of the Council for a certain number of years. That was because the elections had been governed by a house list prepared by the Council, and, once a member was on the Council, he was there for life. This was a retrograde step. He quite realized the force of the argument as regarded the provincial members—that a rule excluding them from re-election would work hardly upon them, but that would not apply to London members. The Council had not considered the matter from a sufficiently broad point of view. Instead of strengthening the position of the London men who remained on the Council the opposite course ought to be taken, so as to provide that a greater number of London members should be excluded from office for a certain time; but as far as the country members were concerned that ought not to be the case.

The motion was carried.

JANUARY GENERAL MEETING.

The following notice appeared on the paper of business:—"Col. Charles Ford, V.D., will move: 'That the holding of special general meetings annually in the month of January be suspended during the continuance of the great war, notwithstanding the resolution of the Society of 15th July, 1881, requiring such meetings to be so held.'"

Col. FORD withdrew the motion, for the reason that the Council had already had their way in getting rid of the April general meeting. He thought, therefore, that it was dangerous to bring the matter forward under the circumstances, so that things had better be left exactly as they now stood.

BARRISTER COMMISSIONERS AND WAR RELIEF.

Col. FORD moved, in accordance with notice, as follows:—"Barrister Commissioners and Financial Relief for Soldiers and Sailors during the War.—In the opinion of this meeting—assuming the appointment of Commissioners to have been necessary—solicitors ought not to have been excluded from such appointments." He said that the President had plainly stated, and the members were thankful to the Council for being vigilant upon this professional question, that there was no reason why the members of the profession should be excluded from these appointments. He urged that no one with a large practice at the Bar would accept such appointments. They would go to briefless barristers, or to those who were glad to get a temporary appointment in the hope that it would lead to something better. Solicitors would be much better fitted for the office, and the Council should insist that solicitors should have the same consideration as members of the Bar. He entirely agreed with the view that had been taken by the *Times* when it first dealt with the question. It was a slur on the profession that solicitors should be debarred from taking these appointments.

Mr. HARVEY CLIFTON (London) said he believed the excuse which had been made for the appointment of barristers on the Commission was that some relief might be afforded to the revising barristers, because

they had not had their usual occupation owing to the war. There were other men who had never filled high positions of that kind, therefore that was no excuse. He urged that solicitors were far better able to fulfil the duties and more competent, accustomed as they were from the earliest days of their practice to deal with all kinds of family matters.

Mr. BELL said he opposed the resolution. What was complained of had already been effected, and whatever resolution might be come to would not undo the object to which the motion was directed. The President had stated that a reason for solicitors being appointed Commissioners in this particular instance was that the solicitor was acquainted with the locality and knew the people. He asserted that this was a very bad reason. The authority which should deal with fiscal matters of this nature should be persons who had no knowledge of the parties whatever, and possibly that was one of the reasons why solicitors who possessed these local associations were not appointed Commissioners.

After a reply by Col. FORD, the motion was carried.

The proceedings closed with a vote of thanks to the President, proposed by Col. FORD.

Joint Board of Legal Education for Wales.

The half-yearly meeting of the Joint Board of Legal Education for Wales was held at the Law Society's Hall, Chancery-lane, on Friday, 7th July, 1916. There were present at the meeting Mr. C. E. Barry (Bristol), President; Principal T. F. Roberts (Aberystwyth), Professor J. A. Levi (Aberystwyth), Mr. F. Llewellyn-Jones (Mold), hon. secretary; Mr. G. F. Colborne (Newport), hon. treasurer; Mr. C. Dauncey (Newport), and Mr. H. M. Ingledew (Cardiff).

The report of the work of the classes for law students held in connection with the University Colleges at Aberystwyth and Cardiff was submitted. It shewed a great reduction in the number of students attending these classes. Only men under military age or who were ineligible for military service and a few who had been exempted for short periods had attended the classes during the past sessions. It was anticipated that the numbers in the coming session would be seriously reduced, and, in view of this fact, no definite arrangements were made for the future. It was resolved that a communication be addressed to the Law Society asking that the Society should favourably consider the appropriating of a grant to the Board for the coming session of not less than that of last year, such grant to be paid under similar conditions as to proof of work accomplished.

Mr. D. Llewfer Thomas and Mr. F. Llewellyn-Jones were appointed to give evidence before the Royal Commission on University Education in Wales as to the work of the Joint Board and the provision for legal education at the University of Wales.

Solicitors' Benevolent Association.

The directors of this Association held their monthly meeting at the Law Society on the 12th inst., the directors present being: Mr. Wm. C. Blandy (Reading), in the chair, and Messrs. G. H. Bower, L. B. Carslake, T. S. Curtis, A. Davenport, T. Dixon (Chelmsford), H. Fulton (Salisbury), W. E. Gillett, C. Goddard, C. G. May, J. F. Rowlatt, M. A. Tweedie, and W. M. Walters.

£1,423 was distributed in grants of relief, and other general business transacted.

Law Association.

The usual monthly meeting of the directors was held at the Law Society's Hall on Thursday, the 6th inst., Mr. A. E. Pridham in the chair. The other directors present were: Mr. E. E. Bird, Mr. Nugent Chaplin, Mr. T. H. Gardiner, Mr. P. E. Marshall, Mr. Mark Waters, and the secretary (Mr. E. E. Barron). A sum of £154 was voted in relief of deserving cases; a new life member was elected, and other general business transacted.

The Belgian Lawyers Relief Fund.

The following further donations have been received in response to the second appeal:—

Amounts already acknowledged, £1,693 0s. 5d.

	£	s.	d.
F. P. M. Schiller, Esq.	5	5	0
F. Whinney, Esq.	5	5	0
Messrs. Vaudrey, Oppenheim & Co.	3	3	0
T. Oliver Lee, Esq.	3	0	0
Edward J. Stannard, Esq.	2	2	0
W. H. Norton, Esq.	2	2	0
C. E. Howe, Esq.	2	2	0
J. P. Muspratt, Esq.	1	1	0
Messrs. Swire & Higson	1	1	0
O. C. Littler, Esq.	1	1	0
Messrs. Sanderson, Tiffen & Henderson	1	1	0
Theo. Mathew, Esq.	1	1	0
E. G. S. Corser, Esq.	1	1	0
G. A. Solly, Esq.	1	0	0
J. H. Lloyd, Esq	0	10	6
C. H. Johnson, Esq.	0	10	6

University of Wales.

The University of Wales has recently established an Advisory Committee in Law, whose province will be to advise the University Court and Senate upon matters connected with the Faculty of Law at the University. The following are the members of the committee:—The Vice-Chancellor of the University (Principal E. H. Griffith, D.Sc., F.R.S.), Principal T. F. Roberts, M.A., LL.D., Professor T. A. Levi, M.A., B.C.L.

Four Members Appointed by the University Court.—The Right Hon. Sir S. T. Evans, LL.D., P.C., the Right Hon. Sir David Brynmor Jones, LL.B., P.C., Mr. D. Lleufer Thomas, M.A., Mr. F. Llewellyn-Jones, B.A., LL.B.

Two Persons of Experience as Teachers of Law Appointed by the University Court.—Professor A. Pearce Higgins, Professor P. Vinogradoff.

One Member Appointed by the Law Society.—Mr. Ivor Vachell, solicitor, Cardiff, the Principal of the Law Society, Principal E. Jenks, M.A., B.C.L.

Two Members Appointed by the Joint Board of Legal Education for Wales.—Mr. C. E. Berry, solicitor, Bristol; Mr. C. Dauncey, solicitor, Newport.

Society of Public Teachers of Law.

The eighth annual general meeting was held on Friday afternoon in the Council Room of University College, London, by invitation of the Provost and Council of the College. The chair was taken by the President of the society, and there was a large attendance of members, which included Lord Parker of Waddington and Sir Courtenay Ilbert, honorary members of the society. The adoption of the committee's annual report having been moved by Professor Goudy, seconded by Dr. Hazeltine, and unanimously carried, the president delivered his outgoing address on "The Effect of the War on English Law Schools," in which he dwelt on the speculative character of all forecasts of conditions after the war, but was inclined to take a gloomy view of the prospects of legal education. He saw hope, however, in the reconstruction which would necessarily have to take place in constitutional and international law, and suggested the introduction of some knowledge of law into the reorganised scheme of a liberal education.

After speeches by Dr. Blake Odgers and Mr. Leonard, Lord Parker delivered an impressive speech in which he dwelt upon the necessity for bringing the teaching of law into touch with practical affairs, and indicated the directions in which reconstruction would be necessary after the war. The honorary secretary having suggested the adoption of special machinery to seize any opportunity which might occur for the society to render useful help in this direction, the president, in reply, deprecated the creation of special machinery, but agreed that the general committee should be alert to seize occasions.

The meeting then proceeded to elect officers for 1916-17, viz., as president, Professor Murison; as vice-president, Dr. Pearce Higgins; as treasurer, Mr. McNair; and as honorary secretary, Mr. Edward Jenks; and the meeting concluded with votes of thanks to the auditors and the college authorities.

After an inspection (under the guidance of Dr. Seton, secretary of the college) of the extensive new laboratories recently erected by the college, and the famous clothed skeleton of Jeremy Bentham, the members were entertained to dinner in the College Refectory by the Faculty of Laws in the college. The Dean of the Faculty (Professor Murison) occupied the chair, and, after regretting the absence, through ill-health, of the Provost of the College (Dr. Gregory Foster), proposed the toasts of The King and His Majesty's Forces, after which the prosperity of the society was proposed by Lord Parker and responded to by Sir Ernest Trevelyan. At the close of the proceedings, Viscount Bryce, an honorary member of the society, in a speech full of historical interest, proposed the toast of the Faculty, which was replied to by Sir John Macdonell.

In the House of Commons on the 6th inst., Mr. Herbert Samuel, replying to Mr. R. M'Neill, who asked whether he had considered the question of discriminating in the matter of identity books issued to registered aliens between neutral aliens and allied aliens; and would provide a special form of identity book for issue to aliens of allied nationality who might be personally known to the authorities as completely trustworthy, said: The hon. member is, I think, under a misapprehension as to the nature of an identity book. The very object of the book is to discriminate by the description it contains between one person and another. The alien of allied nationality is shewn by the contents of his book to be of that nationality, and provision is made in the book for the insertion of all useful particulars.

The Trial of Casement.

The following letter from Sir Harry Poland in answer to one by Mr. Swift MacNeill appeared in the *Times* of the 10th inst. :—

SIR,—Mr. Swift MacNeill in his letter to the *Times* of 4th July states that Mrs. Maybrick was allowed before the address of her counsel to make a long written statement, and that when called upon to say whether there was any reason why sentence of death should not be passed upon her she made a further statement, and then he adds that the precedent in the Maybrick case seems to have been followed in the Casement trial. The opinion of such a distinguished jurist as Mr. Swift MacNeill, who has been Professor of Constitutional and Criminal Law at King's Inns, will, if unchallenged, carry great weight, and I must therefore ask to be allowed to point out that what was done in the two cases widely differs, and that the Maybrick case can in no way be regarded as a precedent justifying what was done in the Casement trial.

When Mrs. Maybrick was called upon before sentence all she said was that if all the facts had come out with regard to her connection with Mr. B. some things might have appeared which would have influenced the jury in their decision, and concluded by asserting her innocence. See the *Times* of 8th August, 1889, p. 10.

Now, what was allowed to be done by Casement when called upon? He was allowed to read a statement which he had written "more than twenty days ago," which runs to about a column and a half of the *Times*, and to which no reply could be made by the Attorney-General. He begins by saying, "My Lord Chief Justice, as I wish my words to reach a much wider audience than I see before me here, I intend to read all I propose to say." See the *Times* of 30th June. I invite attention to the full statement, which speaks for itself.

I may add that such a statement as Mrs. Maybrick was allowed to make after the verdict is allowed to be made every day by prisoners in all criminal courts, and, speaking from a long personal experience, often with great advantage to the prisoner. Such statements could not, in fact, be prevented, and no judge would wish to prevent them; but is it not an absolute fallacy to say that what was allowed on the Casement trial was not "a new departure"? Fortunately Casement's speech is so fully reported in the *Times* that everyone can form his own opinion on this subject.

As I have watched all the criminal trials in this country since my student days in 1848 I should like to add that there is but one opinion as to the dignity, patience, and calmness with which this trial was conducted both by the judges and the counsel, certainly worthy of the best traditions of the administration of justice in England.—Your obedient servant,

HARRY B. POLAND.

Inner Temple.

The Declaration of London.

The following letter has been addressed by Professor Holland to the *Times* (11th inst.) :—

Sir,—You have allowed me, in a good many letters, to criticize the Declaration of London, both in its original inception and in its subsequent applications. Thanks to the House of Lords, the Declaration, which erroneously professed to "correspond in substance with the generally recognized principles of International Law," has remained unratified, and therefore diplomatically of no effect.

Its admirers have, however, too long preserved it, perhaps *sub spe rati*, in a state of suspended animation, using it by way of, as they supposed, a convenient handbook of maritime law for the purposes of the present war, though subject to such variations as might from time to time be found convenient by the Allies. The mistake thus made soon became apparent. The elaborate classification of contraband had to be at once thrown overboard, and most of the remaining provisions of the Declaration proved to be inapplicable to modern warfare.

In December last I accordingly wrote as follows :—

> To put an end to this confusion, I venture to suggest that, in concert with our Allies, the Declaration should be finally consigned to oblivion: Either let its place be taken by some clear and simple statement of unquestioned prize law, for the use of commanders and officials, . . . or let established principles take care of themselves, certain doubtful points only being dealt with from time to time by Orders in Council.

I need hardly say that to anyone holding the views thus expressed, yesterday's Order in Council must be most satisfactory, getting rid, as it does for good and all, of the unfortunate Declaration, leaving the application of established principles to those acquainted with them and promulgating authoritative guidance on specific novel questions.

I may perhaps add a word or two on the undesirability of describing as "Declarations" documents which, being equipped with provisions for ratification, although they may profess to set out old law, differ in no respect from other conventions. Also, as to the need for greater caution on the part of our representatives than has been shewn by their acceptance of various craftily suggested anti-British suggestions, such as were several embodied in the Declaration in question, and notably that of the notorious cl. 23 (*h*) of The Hague Convention IV., the interpretation of which has exercised the ingenuity of the Foreign Office and, more recently, of the Court of Appeal.

I am, Sir, your obedient servant,

Brighton, 9th July. T. E. HOLLAND.

Law Students' Journal.

The Law Society.

STUDENTSHIPS, 1916.

The Council, acting on the recommendation of the Legal Education Committee, has made the following award of a studentship, of the annual value of £40, renewable at the discretion of the Council, subject to the conditions prescribed in the regulations :—

CLASS A.

(*Candidates under* 19, *having certain educational qualifications.*)

The studentship in this class is awarded to Mr. E. S. HERBERT. [Mr. Herbert was educated at Queen's College, Taunton.]

CLASS B.

(*Articled clerks having at least three years to serve.*)

The studentship in this class is not awarded.

CLASS C.

(*Articled clerks having at least two years to serve.*)

The studentship in this class is not awarded.

Mr. C. W. ELLIOTT, a candidate in Class A, is deserving of honourable mention.

By order of the Council,

E. R. COOK, Secretary.

7th July, 1916.

INTERMEDIATE EXAMINATION.

The following Candidates (whose names are in alphabetical order) were successful at the Intermediate Examination held on 21st and 22nd June, 1916.

A Candidate is not obliged to take both parts of the Examination at the same time.

FIRST CLASS.

Levinson, David Bertram, B.A. Sanders, Rowland Frederick John London

PASSED.

Alexander, Albert George Rickards
Douglass, Guy Herbert
Evans, Arthur
Falconer, David Henry
Gosling, Reginald Ridley Litchfield
Griffiths, Taliesin
Harrison, Harold
Hesketh, Frank
Jones, Theodore Tudor Frederick
Miles, Frederick Stuart
Miller, John William
Morley, George Francis Arthur
Pickering, George Bevan
Richards, Walter Edward
Smith, Alfred Parton
Wilson, Edward John

THE FOLLOWING CANDIDATES HAVE PASSED THE LEGAL PORTION ONLY.

Bew, Edwin
Burnett, Leigh Mathieson
Christian, Albert
Cottier, Gerald Beaumont
Dickinson, John
Griffith, Robert
Hall, James Malcolm
Hindle, Tom Townley
Hughes, Theodore Josiah
Millar, Gerald Ernest Bruce
Rhodes, Fred
Smith, Frederick Henry
Talbot, Ernest Alfred
Wooldridge, Leonard Gordon

Number of Candidates, 48; passed 32.

THE FOLLOWING CANDIDATES HAVE PASSED THE TRUST ACCOUNTS AND BOOK-KEEPING PORTION ONLY.

Bennett, Ronald Claude
Bernstein, Simon
Clayton, Bridge Baron
Drew, Joseph Gardner
Evans, Emrys, B.A., LL.B. Cantab.
George, Arthur Llewelyn
Harvey-Samuel, Frederick Keith
Janner, Barnett, B.A. Wales
Jones, Featherstone Lewis
Kearton, Arthur Stanley
Park, Leslie
Pearson, William Wilmot
Powell, Thomas Glyn
Puckering, Walter Ernest
Ridgway, Arthur Victor
Saunders, William George Rhymes
West, Charles William
Winterbottom, Benskin Thomas
Wooldridge, Duncan Wakeman, M.A., LL.B. Cantab

Number of Candidates, 48; passed, 37.

By Order of the Council,
E. R. COOK, Secretary.

Law Society's Hall, Chancery-lane, London, W.C.
7th July, 1916.

FINAL EXAMINATION.

The following Candidates (whose names are in alphabetical order) were successful at the Final Examination held on 19th and 20th June, 1916.

Ackroyd, John William
Bailey, Major Harry
Bairstow, George
Bannister, Ernest
Bathurst, James Richard Cort
Bebbington, Alfred
Bolton, Cornelius
Bradshaw, Alfred Exelby
Broughton, Bernard Lennox, M.A. Oxon.
Brown, Alfred George Tasker
Brown, Ernest Edward
Browne, Charles Howe
Burridge, Samuel
Cane, Frank Cuthbert
Carey, Charles Cecil
Chowen, Basil Hector
Clayton-Smith, Guy Vernon Heukensfeldt
Davies, Henry Ernest
Dutton, Tom Duerdin
Getley, Charles Alan, LL.M. Liverpool
Glover, John Grenside
Godlove, Louis
Griffiths, David Thomas
Guest, William Arthur
Hammer, Vernon Montague
Hawes, Edward Burn, B.A. Oxon.
Hayton, John Thomas
Holt, Lancelot Vere
James, Herbert Harold
Jones, David Howel
Knowles, John Yalden
Lewers, William Heartley Nicholson
Lo, Man Wai
Long, Frank Lawrence
McDonnell, Walter Edward James
Menasse, Jacob Mordecai
Metcalfe, William Thomas
Middleton, Harold
New, Oliver Curtis
Nixon, Reuben
Payne, Clarence Alfred
Philipson, Myles Rowland, B.A. Cantab.
Potts, Samuel Douglas
Roseway, Harry Ernest, B.A. Oxon.
Smitton, Frederic Harrison
Spanner, Frank Henry
Swinscow, Richard Thomas
Taylor, Ernest Morton
Taylor, William
Thomas, Evan Bevan
Thomson, George Wilfred Russell
Turnbull, Donald, LL.M. Leeds
Wadsworth, Willie
Wallace, George Malcolm
Williams, Alfred James
Wood, Charles

Number of Candidates, 64; passed, 56.

HONORARY DISTINCTION.

*** The names of the Solicitors to whom the Candidates served under Articles of Clerkship follow the names of the Candidates.

The Examination Committee recommend the following as being entitled to Honorary Distinction:—

FIRST CLASS.

(In order of Merit.)

Charles Alan Getley, LL.M. Liverpool (Mr. William Rudd, of the firm of Messrs. William Rudd & Co., of Liverpool).

John Grenside Glover (Mr. Thomas Edward Catterall, of Wakefield).

Harry Ernest Roseway, B.A. Oxon. (Mr. Charles Robert Hargreaves Hardcastle, LL.B. Cantab., of the firm of Messrs. Thorowgood, Tabor, & Hardcastle, of London).

SECOND CLASS.

(In alphabetical order.)

Alfred George Tasker Brown (Mr. Frederick Nelson Powell, of Llanelly).

David Howel Jones (Mr. Hugh Neville Williams, of Rhyl).

Reuben Nixon (Mr. Gilbert Benjamin Jackson, of the firm of Messrs. Jackson & Jackson, of Middlesbrough).

THIRD CLASS.

(In alphabetical order.)

Louis Godlove (Mr. Henry Edward Clegg, of the firm of Messrs. Craven & Clegg, of Leeds).

David Thomas Griffiths (Mr. Henry William Spowart, of Llanelly).

Man Wai Lo (Mr. Robert Singleton Garnett, of the firm of Messrs. Darley, Cumberland, & Co., of London).

Samuel Douglas Potts (Mr. Arthur Briggs, of Stockport).

By Order of the Council,
E. R. COOK, Secretary.

Law Society's Hall, Chancery-lane, London, W.C.
7th July, 1916.

Obituary.

Mr. Arthur A. Hopkins.

MR. ARTHUR ANTWIS HOPKINS, the metropolitan magistrate, died on Thursday, the 6th inst., after an operation for appendicitis.

By the death of Mr. Hopkins the metropolitan bench loses, says the *Times*, a capable, experienced, and conscientious magistrate. Before his appointment to Bow-street in 1913, in succession to Sir Henry Curtis Bennett, he had served for twenty-three years at the Lambeth Police Court, and had there acquired that knowledge of elemental human nature which is peculiarly essential in the duties of a magistrate. A police court demands a rough justice, which must emanate at once from both head and heart. In administering such justice Mr. Hopkins excelled. He was firm yet sympathetic, and he wasted no time in homilies which he knew would be unprofitable. Always terse and plain spoken, at times he was given to an epigrammatic abruptness which quickly silenced false pleas for mercy.

Born in 1855, Mr. Hopkins was the eldest son of the late Mr. John Satchell Hopkins, J.P., of Edgbaston, Birmingham. He was educated at Rugby, where he was an exhibitioner, and he afterwards graduated at Trinity College, Cambridge. He was called to the Bar by the Inner Temple in 1879, and after eleven years' practice on the Midland Circuit he succeeded Mr. D'Eyncourt as magistrate at Lambeth.

He married in 1880 Ada, youngest daughter of the Rev. James Butler, of All Souls College, Oxford.

Sir John Dickinson referred to the death of Mr. Hopkins from the bench at Bow-street on Friday, the 7th inst. He said that not only that court, but the whole administration of justice in London had suffered a great loss. Mr. Hopkins throughout his magistracy had shewn conspicuous ability, a clear insight into character, and a most earnest desire to find the truth in every case and to hold the scales of justice evenly.

Mr. James Bromley Eames.

MR. JAMES BROMLEY EAMES, Recorder of Bath, died on the 2nd inst. in his forty-fourth year.

Mr. Eames graduated at Worcester College, Oxford, in 1895, and was called to the Bar at the Middle Temple in 1898. In the same year he was appointed Professor of Law at the Tientsin University. When the Boxer rising broke out in 1900 he joined the Tientsin Volunteers, who took part in the relief of the Legations. For this service he received the medal with clasp. After the rebellion he was appointed legal adviser to the Tientsin Provisional Government.

In 1901 he returned to England, and joined the Western Circuit. He had, says the *Times*, a good and steady, if not conspicuous practice, and he made many friends. His selection in 1914 for the Recordership of Bath, his native city, where he was educated at King Edward's School, met with general approval, and it was a source of much gratification to him. His ability as a lawyer was recognized when he was chosen to be a joint editor of Odgers on Libel. In 1903 he published a book—The English in China—"to present to the reader a description and an analysis of our interests" in that country. In dealing with the Opium War he had the advantage of access to such unpublished material as the Factory Records of the East India Company, the Journal of Captain Weddell's Voyage, and, notably, the diary of one Peter Mundy, who had accompanied that expedition. Eames took the daring, though by no means original, line that "the presence of the foreign missionary element acts as an irritant to the whole body politic in China"; and, if he failed in some points to make out his case, his book was read in well-informed circles with attention and respect. Mr. Eames married in 1910 Ellen Lois, daughter of Mr. C. H. Price, of Worcester. He leaves no issue.

Qui ante diem periit,
Sed miles, sed pro patria.

Major Lawrence A. Hind.

Major LAWRENCE ARTHUR HIND, Sherwood Foresters (who is reported missing, believed killed, on 1st July), was the third son of Jesse Hind and the late Eliza Hind, of Edwalton, Nottingham. He was in his thirty-ninth year, and was educated at Lambrook, Berks, Uppingham, and Trinity Hall, Cambridge, where he obtained honours in the Law Tripos. In his Cambridge days he won the middleweight championship at boxing, and for several years he followed Lord Harrington's hounds. He was admitted a solicitor in 1902, and was a member of the firm of Wells and Hind, of Nottingham, and of Hind, Sons, & Roberts, London. Major Hind joined the Sherwood Foresters in 1900, obtaining his company in 1903 and his majority in 1915. He had been with his battalion on active service since the war began, and was wounded at Hooge last July. He returned to the front in October as second in command, and for the last six weeks he had been in command. He was twice mentioned in dispatches, and was awarded the Military Cross last month. In 1906 he married Nina, the only daughter of the Right Hon. Thomas Andrews, of Comber, County Down, and only niece of Lord Pirrie, and Mrs. Hind, with three daughters, survives him. Major Hind resided at Ruddington, Notts.

Captain Tasker.

Captain TASKER, Worcestershire Regiment, killed on 3rd July, four days before his twenty-eighth birthday, was educated at Bromsgrove, Worcestershire, and Worcester College, Oxford. He took his B.A. degree in 1912. He was a law student of the Inner Temple, and was about to be called when war broke out. He applied for a commission and was gazetted to the Worcestershire Regiment, receiving his second star three months later. In January, 1915, he married Vera, daughter of the late Rev. T. M. Everett, of Ruislip, Middlesex, and went to the front with his battalion the following July, being promoted captain in September. He leaves a son aged three months. He was the only son of the late Mr. W. B. Greaves Tasker, Ronkswood, Worcester.

Captain Arnold L. T. Browett.

Captain ARNOLD LESLIE THACKHALL BROWETT, Warwickshire Regiment, was the only surviving child of Mr. and Mrs. Thackhall Browett, of Corley, near Coventry. He was an officer in the old 7th Battalion Warwicks, and rejoined in December, 1914. While in England he did good work in training young troops, and left for the front a few months ago. Captain Browett was admitted as a solicitor in 1880, and became a member of the firm of Messrs. Browetts, Coventry. He was educated at Rugby, and married a daughter of the late Mr. C. E. Barton, of Coventry. He leaves two children.

Captain John George Todd.

Captain JOHN GEORGE TODD, Northumberland Fusiliers, was killed on 1st July, aged thirty-three. He was the only son of Mr. James Todd, of Overdale, Newcastle-on-Tyne, and The Cottage, Ockley, Surrey. He was admitted as a solicitor in 1907, and was a partner in the firm of Messrs. Maughan & Hall, of Newcastle. Captain Todd was educated at Durham School and at Jesus College, Cambridge, where he graduated B.A. and LL.B., taking honours in the Law Tripos. On the outbreak of war he joined a Public Schools Battalion, and he was afterwards appointed to a captaincy in the Northumberland Fusiliers. He married the only daughter of Mr. P. P. Kent, of Darlington, who, with two young children, survives him.

Captain Henry Chevers Maclean.

Captain HENRY CHEVERS MACLEAN, Royal Inniskilling Fusiliers, killed on 1st July, was called to the Bar at the Middle Temple in 1910, and joined the Northern Circuit. He practised at Liverpool. He was the son of Mr. Henry Maclean, formerly of The Laurels, Newton-by-Chester, and grandson of the late Mr. Joseph Brooks, who was at the time of his death the chairman of Bury Board of Guardians and of Radcliffe District Council, Lancashire.

Captain A. J. Bonham-Carter.

Captain A. J. BONHAM-CARTER, Hampshire Regiment, who was killed in action, was the youngest son of the late Mr. J. Bonham-Carter, of Adhurst St. Mary, Petersfield, and the Hon. Mrs. Bonham-Carter. He was born in 1869, and educated at Winchester and Trinity College, Cambridge. He served in the Volunteer Company of the Hampshire Regiment during the Boer War, and was later appointed to the Judicial Bench at Mombasa, British East Africa, and at the time of his death was First Puisne Judge. He served in the Defence Force of the colony in the early stages of the war, and afterwards returned to England and joined the Hampshire Regiment for active service. His cousin, Captain Guy Bonham-Carter, was killed in Flanders last year.

Lieutenant Hugh Cloudsley.

Lieutenant HUGH CLOUDSLEY, Royal West Surrey Regiment, who was killed on 1st July, was the youngest son of the late Mr. John Leslie Cloudsley and of Mrs. Cloudsley, of Brightlands, Reigate, Surrey. Born in 1884, he was educated at Berkhamsted and Caius College, Cambridge, where he took a Law Tripos. He was called to the Bar in 1906 (Inner Temple) and joined the Midland Circuit. He was a keen sportsman and well-known member of the Thames Hare and Hounds. On the outbreak of war he rejoined the Inns of Court O.T.C., in which he had previously served four years, and was gazetted to the West Surrey Regiment in November, 1914. He had been on active service since July last, and had served as a bombing officer.

Lieutenant Ronald D. Wheatcroft.

Lieutenant RONALD DUNCAN WHEATCROFT, Sherwood Foresters, who died of wounds on 2nd July, was a son of Mr. and Mrs. G. H. Wheatcroft, of Waltham House, Wirksworth. This is the second loss Mr. and Mrs. Wheatcroft have suffered in the war, anotner son, Second Lieutenant George Hanson Wheatcroft, R.G.A., being killed by a bursting shell about a year ago. Two other brothers are serving as officers in the Army, and their only sister, Miss Muriel Wheatcroft, is a nurse at Netley Hospital. The late Lieutenant Wheatcroft was twenty-five years of age, and was educated at Rugby and New College, Oxford. After taking his degree with honours he became a member of the Inner Temple, and he had just passed the final Bar examination when war was declared. He was a sergeant in the Inns of Court O.T.C.; obtained his commission in September, 1914; and went to the front in February last year.

Lieutenant William James Jones.

Lieutenant WILLIAM JAMES JONES, Liverpool Regiment, only son of the late James Jones and of Mrs. M. E. Jones, Alverstone, Parkfield-road, Liverpool, fell on 28th June, aged twenty-three. Educated at Liverpool College, he matriculated at Liverpool University, and took his LL.B. with honours. He was articled to Mr. J. W. Cocks, of Messrs. Bartley, Bird & Co., solicitors, Liverpool, and had passed the inter-

mediate examination. He enlisted as a private in August, 1914, and received his commission in the following November. He had been at the front since May, 1915. His colonel, writing to his mother, says:—"He was in charge of a special task, which he carried out most successfully. When it was almost completed he was shot in the head. He was immensely popular with all ranks, and the men fully appreciated his keenness, courage, coolness, and leadership."

Lieutenant Robert Sutcliffe.

Lieutenant ROBERT SUTCLIFFE, West Yorkshire Regiment, who died at sea of wounds received on 1st July, was the only son of the late Thomas Sutcliffe, of Idle, Yorkshire, and grandson of the late John Sutcliffe, of Slack House, Hebden Bridge, Yorkshire. He was admitted as a solicitor in 1904, and was a member of the firm of Messrs. Sutcliffe & Trenholme, of Bradford, Yorkshire, but on the outbreak of war he at once enlisted in the Public Schools Battalion of the Middlesex Regiment, and in October, 1914, was given his commission in the West Yorkshire Regiment. He went out with his battalion to Egypt last year and returned early this year. He was well known in Yorkshire golfing circles, and in 1907 was runner-up in the Yorkshire Golf Championship.

Lieutenant Richard W. Jennings.

Lieutenant RICHARD WILLIAM JENNINGS, Worcestershire Regiment, who died of wounds on 3rd July, aged twenty-seven, was the son of the Rev. A. C. Jennings, of King's Stanley Rectory, Gloucestershire. He was educated at Bradfield College and Jesus College, Cambridge (B.A.). He was champion light-weight boxer in 1909-10 for his university, and took his degree in the Law Tripos in the same year. He was admitted as a solicitor in 1914. He enlisted in September, 1914, received his commission a month or two later, and was mentioned in dispatches in June, 1916, after fourteen months at the front.

Lieutenant Henry A. Telfer.

Lieutenant HENRY A. TELFER, Yorkshire Light Infantry, killed on 2nd July, was the elder son of Mr. and Mrs. W. Telfer Leviansky, of 16, Belsize-park, N.W., and was twenty-three years of age. Educated at St. Paul's, he was articled to his father, of the firm of Messrs. Telfer Leviansky & Co., solicitors, and had passed the intermediate examination. He joined the Public Schools Brigade in August, 1914, and received his commission in the following month. At the time of his death he was in command of a trench mortar battery. Last April he and his men were congratulated in brigade orders for their splendid conduct during a bombardment.

Second Lieutenant Charles Treverbyn Gill.

Second Lieutenant CHARLES TREVERBYN GILL, Manchester Regiment, who was killed in action on 1st July, received his commission in April, 1915, having served from September, 1914, to April, 1915, in the 16th (Public Schools) Middlesex Regiment. He was the youngest son of the late Thomas Gill and Mrs. Julia Gill, of 8, St. Quintin-avenue, W., and of Treverbyn, Cornwall. He was educated at St. Paul's School, and Exeter College, Oxford, and took his B.A. degree in 1912. He rowed two years in the college eight, four in 1911 and stroke in 1912, and stroked the London Rowing Club Thames Cup eight in the latter year. At the outbreak of war he was articled to Mr. F. C. Maples, of Messrs. Maples, Teesdale, & Co., Old Jewry, E.C. His commanding officer writes:—"He fell in action gallantly leading his men. I lose a most promising officer."

Second Lieutenant Archibald Warner.

Second Lieutenant ARCHIBALD WARNER, London Regiment, a member of the Society of Friends, fell on 1st July. He was the son of John Warner, Waddon House, Croydon, and was educated at the Whitgift Grammar School, Croydon, and Leighton Park School, Reading, and Queens' College, Cambridge. He was a solicitor, and served his articles with Messrs. Trinder, Capron & Co., London. After being admitted he joined the staff of Messrs. Bennett & Fertis, solicitors, London. He was a keen all-round sportsman, captain of his college boat, and a well-known swimmer. In September, 1914, he married Norah E. Goodbody, youngest daughter of Mr. and Mrs. J. Perry Goodbody, of Inchmore, Clara, King's County, Ireland. Mr. Warner obtained his commission from the Artists Rifles, and was gazetted to the battalion of the London Regiment to which his brother, Sergeant Evan Warner, who was killed in December, 1914, had belonged.

Second Lieutenant G. Perrior Turner.

Second Lieutenant G. PERRIOR TURNER, Hampshire Regiment, who fell on 30th June, aged thirty-four, was the elder son of the late George S. Turner, of "Pitcombe," Southampton, and Mrs. Turner, of 15, Clifton-gardens, W. He was educated at Cheltenham College, and afterwards became a solicitor. He joined the Inns of Court O.T.C. in October, 1914, obtained a commission in the Hampshire Regiment, and went to the front last March. At the time of his death he was officer in command of a trench mortar battery.

Second Lieutenant Harold G. Hornsby.

Second Lieutenant HAROLD GIBSON HORNSBY, Yorkshire Regiment, aged twenty-eight, was the fourth son of the late Michael Hornsby, of Saltburn-by-the-Sea, and Mrs. Hornsby, of 20, Redbridge-lane, Wanstead. He was admitted a solicitor in 1910, and was granted a commission in the Yorkshire Regiment soon after the outbreak of war. He went to the front last October.

Second Lieutenant Ralph C. Stoddard.

Second Lieutenant RALPH CYRIL STODDARD, Royal Flying Corps, attached South Lancs. Regiment, who was previously reported missing, is now reported to have been killed on 3rd July in combat with two hostile machines. He was the only son of the head master of the Heanor Secondary School, Derbyshire, and was twenty-one years old. Before receiving his commission in October, 1914, he was training for the law, and was articled to Mr. W. M. Wilson, of Messrs. Wilson & Sons, solicitors, Alfreton. He passed the Intermediate Law Examination at the early age of sixteen and a half. His squadron commander writes:—"He was engaged with two hostile machines over the enemy lines, and was seen by another machine, which went to his assistance, to fall from several thousand feet in a spinning nose dive. His machine lies in the enemy's lines, and is so crumpled that none thinks there can be any hope of either him or his observer being alive. I cannot tell you how great a loss he is to the squadron. He was exceedingly keen and as brave as a lion. Only two days ago he kept on worrying me to let him go bombing, and eventually I let him take a load of bombs to drop on hostile batteries which were worrying our infantry."

Legal News.

Appointment.

The newly elected President of the Law Society, Mr. THOMAS EGGAR, comes of an old Hampshire family. He was articled to Mr. W. J. Hollest, of the firm of Messrs. Hollest & Mason, of Farnham, and also read in the chambers of Mr. Shebbeare, of New-square, Lincoln's-inn, conveyancing counsel. He was admitted in 1869, and joined the staff of Messrs. Baxter, Rose, Norton, & Co., the then solicitors to the London, Brighton and South Coast Railway Co., with whom he remained for eleven years, attending principally to the legal business connected with the railway company. Since 1881 he has practised in Brighton and London. His present partners are his son, Mr. T. Macdonald Eggar, and his cousin, Sir Henry Cooper Eggar, M.V.O., formerly solicitor to the Government of India, and senior partner of the firm of Messrs. Sanderson & Co., of Calcutta. Mr. Macdonald Eggar has been serving with the London Scottish almost since the commencement of the war, and he has been twice wounded. The new President was elected to the Council of the Law Society in 1903 as the representative of the societies in the southern district. He married Katherine, daughter of the late Mr. James Macdonald, of 17, Russell-square, and has one son and two daughters.

Information Required.

BEARE, EDWARD JAMES (deceased), formerly of 5, Eversholt-street, Camden Town, and late of 162, High-road, Chiswick, tobacconist.—Any solicitor or other person having the custody of a will, or who can furnish any information, or has any knowledge respecting a will of the above-named Edward James Beare (who died on 6th June, 1916, at Crawley, Sussex), or who prepared or witnessed any such will, is requested to communicate immediately with Messrs. Pilley & Mitchell, 29, Bedford-row, London, W.C.

General.

The Recorder of Dublin on Monday struck out of the list claims amounting to £2,500,000 by traders for compensation for loss and damage during the recent rising. The Recorder said the Attorney-General had informed him of the intention of the Government to introduce legislation on the subject of these claims. In the event of failure to carry out the legislation he would give liberty to reinstate the cases.

The directors of the London City and Midland Bank (Limited) announce an interim dividend for the past half-year at the rate of 18 per cent. per annum, less income tax, payable on the 15th inst. Deposits amount to £157,539,135. Cash in hand and at Bank of England, £38,888,014.